

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----X
JOSE GUZMAN,

4
5 Plaintiff,

6 - against -

7 Case No. 16-cv-03499(GBD)

8 MEL S. HARRIS AND ASSOCIATES, LLC LR
9 CREDIT 13, LLC MEL S. HARRIS DAVID
WALDMAN KERRY H. LUTZ TODD FABACHER
10 MICHAEL YOUNG SAMSERV, INC JOHN ADINO
11 WILLIAM MLOTOK,

12 Defendants.
13 -----X

14 DEPOSITION OF JOSE GUZMAN, taken by
15 Respective Parties, held at the Law Office of
16 Ahmad Keshavarz, 16 Court Street, Brooklyn,
17 New York 11241, on June 14th, 2017,
18 commencing at 12:30 p.m., before Gilbert J.
19 Bowles, Notary Public within and for the
20 State of New York.

21
22
23
24
25 Job No. 125287

APPEARANCES:

LAW OFFICE OF AHMAD KESHAVARZ
Attorneys for the Plaintiff
16 Court Street
Brooklyn, New York 11241
By: AHMAD KESHAVARZ, ESQ.

HERBERT SMITH FREEHILLS
Attorneys for the Defendants
450 Lexington Avenue
New York, New York 10017
By: ROBERT GROSSMAN, ESQ.

O'HARE PARNAGIAN
Attorneys for the Defendants
82 Wall Street
New York, New York 10005
BY: JEFFREY LICHTMAN, ESQ.

ALSO PRESENT: Ed Castaneda
Spanish Interpreter

STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by and between the attorneys for the respective parties herein that the sealing, filing and certification of the within examination before trial be waived; that all objections except as to form are reserved to the time of trial.

IT IS FURTHER STIPULATED AND AGREED that the transcript may be signed before any Notary Public with the same force and effect as if signed before a clerk or Judge of the court.

IT IS FURTHER STIPULATED AND AGREED that the examination before trial may be utilized for all purposes as provided by the CPLR.

IT IS FURTHER STIPULATED AND AGREED that all rights provided to all parties by the CPLR cannot be deemed waived and the appropriate sections of the CPLR shall be controlling with respect hereto.

J. GUZMAN
ED CASTANEDA, a Spanish replace interpreter, solemnly swore to translate the following questions from English to Spanish replace and answers from Spanish replace to English:

JOSE GUZMAN, called a witness, having been first duly sworn, through an interpreter, by a Notary Public of the State of New York, was examined and testified as follows:

EXAMINATION BY
MR. GROSSMAN:

MR. GROSSMAN: Mr. Guzman, thank you for coming in today. My name is Robert Grossman. I represent one of the defendants in this case, LRC13.

If the other attorneys could introduce themselves for the record.

MR. LICHTMAN: My name is Jeffrey Lichtman. I'm an attorney at O'Hare Parnagian. We represent Samserv Inc. and William Mlotok.

MR. KESHAVARZ: And I think you

J. GUZMAN

know me.

BY MR. GROSSMAN:

Q. Mr. Guzman, I'll be asking questions throughout course of the deposition. After I conclude, the other attorneys may have questions for you as well.

If at any time you don't understand a question that I've asked, please ask me to explain. As I ask questions I ask that you please give a verbal response. The court reporter won't be able to register if you shake your head yes or no.

As I ask questions your counsel may object. You can still answer the question, unless your counsel instructs you not to answer.

MR. KESHAVARZ: I'm sorry. I want to put on the record that we reserve the right to review and revise the transcript. Sorry for interrupting.

Q. Mr. Guzman, you've taken an oath to tell the truth; do you understand that?

A. Yes, of course.

Q. Could you please state your

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1 J. GUZMAN
 2 address for the record, current address?
 3 A. 20 West Euclid Street, Valley
 4 Stream, New York.
 5 Q. I have some questions for you
 6 about your background.
 7 Have you attended university?
 8 A. Just school.
 9 Q. Is that high school?
 10 A. Yes.
 11 Q. And what high school did you
 12 attend?
 13 A. Secondary.
 14 Q. The name of the high school?
 15 A. Louis Carrado Del Castillo.
 16 Q. Where is that located?
 17 A. In the Dominican Republic.
 18 Q. Did you graduate?
 19 A. No.
 20 Q. And you were living in the
 21 Dominican Republic at that time?
 22 A. Back then, yes.
 23 Q. When did you move to the United
 24 States?
 25 A. 1990. In 1990, I was in Puerto

Page 8

1 J. GUZMAN
 2 where did you next work?
 3 A. Foodtown Supermarket, 3771 Boston
 4 Road. 3471, sorry.
 5 Q. When did you begin your employment
 6 at Foodtown?
 7 A. I don't remember the day, but it
 8 was in July.
 9 Q. In 2016?
 10 A. Yes.
 11 Q. And how long did you work at
 12 Foodtown?
 13 A. In the past or now, because that
 14 was my job beforehand.
 15 Q. Do you still work at Foodtown?
 16 A. Yes. I work there. I'm still
 17 working there.
 18 Q. There was also a time many years
 19 ago or some years ago when you also worked at
 20 Foodtown?
 21 A. In the past.
 22 Q. And in what approximate years was
 23 your initial employment at Foodtown?
 24 A. The first time I worked was in
 25 2007 forward.

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1 J. GUZMAN
 2 Rico. In '93, I came to New York.
 3 Q. Were you born in the Dominican
 4 Republic?
 5 A. Yes.
 6 Q. I'd like to talk a little bit
 7 about your work history.
 8 Was there a time you were employed
 9 at Siena Marble & Tile?
 10 A. Yes.
 11 Q. During what time period?
 12 A. It's been one year, 2015, and part
 13 of '16.
 14 Q. What is your title, your position?
 15 A. I drive a truck.
 16 Q. And what was your salary in that
 17 position?
 18 A. My salary was \$700. \$800.
 19 Q. Over what period of time?
 20 A. Every 15 days.
 21 Q. And did you have any other
 22 employment at the same time you were working
 23 at Siena Marble & Tile?
 24 A. No, no.
 25 Q. When you left Siena Marble & Tile,

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1 J. GUZMAN
 2 Q. And when did that period end?
 3 A. I don't remember that.
 4 Q. But sometime before 2015?
 5 A. Yes.
 6 Q. In the time since you started at
 7 Foodtown in July 2016, have you had any other
 8 employment?
 9 A. No. No, I haven't worked at
 10 another place.
 11 MR. KESHAVARZ: Mr. Guzman, I know
 12 you understand some English, but just so
 13 the record is clear because the other
 14 Mr. Guzman is an official court
 15 certified translator.
 16 I understand that you understand
 17 some English, but it's still important
 18 for the court reporter to officially
 19 finish translating before you start to
 20 answer, so the record is a little clear,
 21 okay?
 22 THE WITNESS: Okay.
 23 Q. And have you also worked at
 24 La Marca Sansone LLC?
 25 A. Yes. That was for a few weeks,

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1 J. GUZMAN
 2 three weeks. I didn't mention that, because
 3 it was something very short.
 4 Q. That was also in 2016?
 5 A. I don't remember the exact date.
 6 Q. Why was it such a short period?
 7 MR. KESHAVARZ: Objection. Form.
 8 A. Because my ex-boss called me, and
 9 he offered my old job again.
 10 Q. Your old job at Foodtown?
 11 A. At Foodtown.
 12 Q. So am I correct that you worked at
 13 the La Marca Sansone after Siena Marble &
 14 Tile but before Foodtown?
 15 A. It was after Siena Marble. After
 16 Siena Marble.
 17 Q. Were you pleased to get the offer
 18 to join Foodtown?
 19 A. Yes, of course.
 20 Q. It was a good opportunity?
 21 A. Yes, of course.
 22 Q. Have you also worked at Palma
 23 Nueva Foods?
 24 A. It's the same store. It's just
 25 that it changed names.

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1 J. GUZMAN
 2 He said I didn't check it the night before.
 3 Q. Were you dismissed?
 4 MR. KESHAVARZ: Objection. Form.
 5 A. Yeah, I left.
 6 Q. Did the AC Roosevelt Food Corp.
 7 ask that you leave?
 8 MR. KESHAVARZ: Objection. Form.
 9 A. Yes, yes, because I got bothered
 10 when they accused me of something that I
 11 didn't do.
 12 Q. Was that in -- do you recall
 13 whether that was in 2015 or 2016?
 14 A. I don't remember the exact date.
 15 Q. But it was after you left Siena
 16 Marble & Tile?
 17 A. Yes, of course.
 18 Q. And before you started at Foodtown
 19 in July of 2016?
 20 A. After I left there, I went to La
 21 Marca Sansone.
 22 Q. Marca Sansone?
 23 A. Yes.
 24 Q. At any point since 2015, have you
 25 been unemployed?

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1 J. GUZMAN
 2 Q. The same store as Foodtown?
 3 A. Yes.
 4 Q. And what's your title at Foodtown?
 5 A. Manager.
 6 Q. And what's your annual salary in
 7 that position?
 8 A. Weekly, \$1,000.
 9 Q. Have you also worked at
 10 AC Roosevelt Food Corp.?
 11 A. Yeah. That's something that was a
 12 short time, also. I lasted there about three
 13 weeks or four weeks.
 14 Q. Was that also after Siena Marble &
 15 Tile?
 16 A. After, yes.
 17 Q. Was it before or after you worked
 18 at La Marca Sansone?
 19 A. Before working in La Marca
 20 Sansone.
 21 Q. Why did you leave AC Roosevelt
 22 Food Corp.?
 23 MR. KESHAVARZ: Objection. Form.
 24 A. Because the owner of the store
 25 accused me of something. It was the freezer.

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1 J. GUZMAN
 2 MR. KESHAVARZ: Objection. Form.
 3 A. In 2015, I don't remember. I
 4 don't remember.
 5 Q. Do you remember whether you ever
 6 collected Unemployment Insurance?
 7 MR. KESHAVARZ: Objection. Form.
 8 A. Yes, I collected Unemployment.
 9 Q. Do you recall whether that was in
 10 2015?
 11 A. No, I don't remember.
 12 MR. GROSSMAN: We'll mark this as
 13 Exhibit 1.
 14 (Whereupon, the aforementioned New
 15 York State Department of Labor and
 16 Employment Insurance was marked as
 17 Defendants' Exhibit 1 for identification
 18 as of this date by the Reporter.)
 19 Q. Mr. Guzman, I'm showing you what's
 20 been marked as Exhibit 1. I would like to
 21 draw your attention to the second page,
 22 although feel free to look at any portion of
 23 the document that you wish.
 24 A. I left my glasses in the car.
 25 Q. This is a statement -- I don't

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1 J. GUZMAN
 2 know whether you can read it. But it reads,
 3 "New York State Department of Labor and
 4 Employment Insurance." It's the second page.
 5 MR. KESHAVARZ: Let me --
 6 Mr. Guzman, do you read English?
 7 THE WITNESS: No.
 8 BY MR. GROSSMAN:
 9 Q. Mr. Guzman, have you lived at
 10 20 West Euclid Street, Apartment 1?
 11 A. Yes.
 12 Q. Were you living there in 2015?
 13 A. Yes.
 14 Q. Do you recall receiving
 15 Unemployment Insurance while you were living
 16 at that address in 2015?
 17 A. Yes.
 18 Q. Was that after you left Siena
 19 Marble & Tile?
 20 A. Yes.
 21 Q. Why did you leave Siena Marble &
 22 Tile?
 23 MR. KESHAVARZ: Objection. Form.
 24 A. I left Siena Marble & Tile because
 25 I was very stressed. I drove a truck, and I

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1 J. GUZMAN
 2 was afraid I was going to have an accident.
 3 Q. How many hours a week do you
 4 currently work at Foodtown?
 5 A. I worked nine hours daily,
 6 including lunch hour.
 7 Q. Five days a week?
 8 A. Six days a week.
 9 Q. And you're married? Are you
 10 married?
 11 A. Yes.
 12 Q. Is your wife's name Lara Guzman?
 13 A. Yes, sir.
 14 Q. Do you have children?
 15 A. Yes, sir.
 16 Q. How many?
 17 A. Three.
 18 Q. And what ages?
 19 A. One is 18. One is 15. One is
 20 five.
 21 Q. What do you like to do when you're
 22 not working?
 23 A. Well, I'm a little bothered
 24 because I'm not working, and I want to find
 25 work.

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1 J. GUZMAN
 2 Q. You're currently not working?
 3 A. Now I'm working.
 4 Q. No, I'm sorry. What do you like
 5 to do when you're not working at Foodtown,
 6 like in your free time?
 7 A. Free time, I like to be with my
 8 family and do my personal things.
 9 Q. Since 2014, have you taken any
 10 family vacations?
 11 A. Of course.
 12 Q. Where have you gone?
 13 A. To my country.
 14 Q. Dominican Republic?
 15 A. Yes.
 16 Q. When was the last time you
 17 visited?
 18 A. 2014.
 19 Q. Have you ever received any income
 20 from any businesses that we have not already
 21 discussed?
 22 MR. KESHAVARZ: Objection. Form.
 23 A. Repeat the question.
 24 Q. Since 2015 have you received
 25 income from any businesses, other than those

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1 J. GUZMAN
 2 we've already discussed?
 3 MR. KESHAVARZ: Objection. Form.
 4 He just asked if you did. You
 5 don't disclose, if there was a
 6 settlement, how much. He's just asking
 7 if you got money from any other
 8 business.
 9 A. If it was in 2015, no, but if it
 10 was --
 11 THE INTERPRETER: Interpreter has
 12 to clarify.
 13 A. In 2016, yes.
 14 Q. And was that the settlement?
 15 A. Yes.
 16 Q. Apart from the settlement, what
 17 was your approximate income in 2016?
 18 MR. KESHAVARZ: Objection. Form.
 19 A. I don't remember. I don't
 20 remember.
 21 Q. Do you currently have a checking
 22 account?
 23 A. Yes, sir, I do.
 24 Q. At which bank?
 25 A. At Chase.

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1 J. GUZMAN
 2 Q. Is that your only checking
 3 account?
 4 A. I have another one at Citibank.
 5 MR. KESHAVARZ: Mr. Guzman, again,
 6 just wait for the translator to finish
 7 translating. I know you understand some
 8 English, so you would naturally want to
 9 answer, but just so the record is clear
 10 try to wait until he's done.
 11 Q. Do you have a savings account?
 12 A. Yes, sir.
 13 Q. At which bank?
 14 A. Citibank.
 15 Q. Do you have a credit card?
 16 A. Yes, sir.
 17 Q. How many credit cards do you have?
 18 A. I have three credit cards.
 19 Q. Do you have a Sears MasterCard?
 20 A. Yes, sir.
 21 Q. Do you have a Macy's credit card?
 22 A. Yes.
 23 Q. A Bank of America credit card?
 24 A. Yes.
 25 Q. Do you currently have any other

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1 J. GUZMAN
 2 financial accounts or credit cards, other
 3 than those we've listed?
 4 MR. KESHAVARZ: Objection. Form.
 5 A. I don't remember.
 6 Q. You don't know whether you
 7 currently have a bank account, other than
 8 those you've already told me?
 9 MR. KESHAVARZ: Objection. Form.
 10 A. Maybe I could, but I don't
 11 remember.
 12 Q. Mr. Guzman, who set up your Chase
 13 Bank checking account?
 14 A. What do you mean, who set it up?
 15 Q. Did you have to fill out an
 16 application?
 17 A. Yes, I filled out an application.
 18 Q. You filled it out?
 19 A. My wife helped me.
 20 Q. But you were aware that -- you did
 21 it together?
 22 A. Yes, we did it together.
 23 Q. She wouldn't have applied for a
 24 credit card without your knowledge?
 25 MR. KESHAVARZ: Objection. Form.

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1 J. GUZMAN
 2 A. I don't remember.
 3 Q. It's -- I'm not asking whether you
 4 remember if she has.
 5 Your wife wouldn't have applied
 6 for a credit card without your knowledge,
 7 would she?
 8 MR. KESHAVARZ: Objection. Form.
 9 A. I can't give you the answer,
 10 because I don't know.
 11 Q. Who completed the application for
 12 your Citibank credit card?
 13 MR. KESHAVARZ: Objection. Form.
 14 Q. Sorry. May I ask -- strike that.
 15 Who completed the application for
 16 your Citibank checking account?
 17 MR. KESHAVARZ: Objection. Form.
 18 A. For Citibank, I filled it out.
 19 Q. And your Sears MasterCard, who
 20 completed that application?
 21 A. I did.
 22 Q. And your Macy's credit card?
 23 A. I filled that out.
 24 Q. Bank of America credit card?
 25 A. I filled it out.

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1 J. GUZMAN
 2 Q. Do you recall filling out any
 3 other credit card applications?
 4 MR. KESHAVARZ: Objection. Form.
 5 What time period? Actually, I just
 6 withdraw it.
 7 Objection. Form.
 8 You may answer the question.
 9 A. What was the question?
 10 MR. GROSSMAN: Can you read back
 11 the question, please.
 12 (Whereupon, the requested question
 13 was read back by the Court Reporter.)
 14 A. No, I don't remember.
 15 MR. KESHAVARZ: Excuse me.
 16 Did you translate when I said for
 17 what time period?
 18 THE INTERPRETER: Yes. I told
 19 him, yes.
 20 MR. KESHAVARZ: Okay. I couldn't
 21 tell. Sorry for interrupting.
 22 BY MR. GROSSMAN:
 23 Q. At any time, do you recall
 24 completing an application for a credit card,
 25 other than those we've already discussed?

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1 J. GUZMAN
 2 A. No, I don't remember.
 3 Q. Are you currently carrying a
 4 balance on any of your credit cards?
 5 MR. KESHAVARZ: Objection. Form.
 6 A. In the ones that I have now, yes.
 7 Q. Do you usually try and pay your
 8 bill in full every month?
 9 MR. KESHAVARZ: Objection. Form.
 10 A. Of course.
 11 Q. Do you find it stressful carrying
 12 a balance?
 13 MR. KESHAVARZ: Objection. Form.
 14 MR. GROSSMAN: Can you repeat the
 15 question?
 16 (Whereupon, the requested question
 17 was read back by the Court Reporter.)
 18 MR. KESHAVARZ: Objection. Form.
 19 A. No. No, I don't feel stress. If
 20 I have something I owe, I have to pay them.
 21 Q. Is your current residence a house
 22 or an apartment?
 23 A. It's a house.
 24 Q. Do you own or rent?
 25 A. I rent.

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1 J. GUZMAN
 2 MR. KESHAVARZ: Objection. Form.
 3 A. A grocery store.
 4 Q. Which grocery store?
 5 MR. KESHAVARZ: Objection. Form.
 6 A. Grocery store. I don't know the
 7 name it has now.
 8 Q. How long did you work there?
 9 A. It wasn't even two years.
 10 Q. Have you ever received mail at
 11 1304 Boston Road?
 12 A. No.
 13 Q. Have you ever represented that
 14 1304 Boston Road was your address?
 15 MR. KESHAVARZ: Objection to the
 16 form of the question.
 17 A. No.
 18 Q. Have you ever had a financial
 19 account that listed 1304 Boston Road as your
 20 address?
 21 MR. KESHAVARZ: Objection to the
 22 form of the question.
 23 A. That I remember, no.
 24 MR. GROSSMAN: Take a five-minute
 25 break?

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1 J. GUZMAN
 2 Q. And how much do you pay in rent
 3 per month?
 4 A. On round it off, it's 1,500.
 5 Q. How long have you lived in your
 6 current residence?
 7 A. I don't remember well, but it's
 8 about six -- five years. I mean, five, six
 9 years.
 10 Q. Have you ever lived at 1304 Boston
 11 Road?
 12 A. Say it again.
 13 Q. Have you ever lived at 1304 Boston
 14 Road?
 15 A. Never.
 16 Q. Have you ever been to 1304 Boston
 17 Road?
 18 MR. KESHAVARZ: Objection to the
 19 form of the question.
 20 A. I was there once. I was there
 21 once.
 22 Q. Why were you there?
 23 A. Because I worked there.
 24 Q. What business is located at
 25 1304 Boston Road?

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1 J. GUZMAN
 2 MR. KESHAVARZ: Sure.
 3 (Recess taken.)
 4 Q. Mr. Guzman, do you currently have
 5 health insurance?
 6 A. Yes, sir.
 7 Q. Is that through your employer?
 8 A. No.
 9 Q. How much do you pay a month for
 10 your insurance?
 11 A. It's the State insurance.
 12 Q. Does your family have coverage?
 13 A. Yes.
 14 Q. Did your family have insurance
 15 coverage in 2016?
 16 A. I don't know. I don't remember.
 17 Q. Do you recall whether there were
 18 any periods when your family didn't have
 19 insurance coverage after 2015?
 20 A. I don't remember.
 21 Q. Do you have a car?
 22 A. I don't have a car.
 23 Q. Do you have any tax debt?
 24 A. No.
 25 Q. Do you have any debts, other than

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1 J. GUZMAN
 2 your credit cards?
 3 MR. KESHAVARZ: Objection. Form.
 4 A. I don't remember. No, no.
 5 Q. Have you ever been contacted by a
 6 debt collection agency?
 7 MR. KESHAVARZ: Objection. Form.
 8 A. Yes, of course. Of course, you
 9 guys. Yes, the ones who are after me.
 10 Q. Other than in connection with this
 11 case, have you ever been contacted by a debt
 12 collection agency?
 13 MR. KESHAVARZ: Objection. Form.
 14 A. That I know, no.
 15 Q. Did there come a time when you
 16 learned that a lawsuit to collect a debt from
 17 you had been filed in Bronx County?
 18 A. No, sir.
 19 Q. Did there come a time when you
 20 learned that my client had filed a lawsuit
 21 against you to collect a debt?
 22 A. No, sir.
 23 Q. Are you aware that your counsel
 24 filed a Complaint on your behalf in this
 25 action?

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1 J. GUZMAN
 2 MR. KESHAVARZ: Objection to the
 3 form of the question.
 4 He's not asking about any
 5 communications. He's just asking if you
 6 know that I filed a Federal lawsuit, but
 7 he's not asking about our
 8 communications.
 9 A. I'm not sure. I don't know.
 10 Q. Did you review a complaint filed
 11 in this action?
 12 MR. KESHAVARZ: Objection. Form.
 13 A. I don't remember.
 14 Q. I'm not asking for the content of
 15 any communications, but can you explain how
 16 you communicate with your counsel?
 17 MR. KESHAVARZ: Again, he's not
 18 asking for what was said, just how we
 19 communicated.
 20 A. I don't know. I can't answer that
 21 question.
 22 Q. Why can't you answer that
 23 question?
 24 A. Yeah, because if I'm communicating
 25 with my lawyer, he's defending me for

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1 J. GUZMAN
 2 something I didn't do.
 3 Q. Right. Does he show you the
 4 documents that he's filing in this case?
 5 MR. KESHAVARZ: Objection. Form.
 6 Don't answer that question.
 7 What I show him?
 8 MR. GROSSMAN: I would like to
 9 know if he has read the complaint.
 10 MR. KESHAVARZ: Well, then ask him
 11 that. You know he doesn't speak
 12 English.
 13 Can you translate all of this
 14 please?
 15 THE INTERPRETER: Sure.
 16 A. I can't answer that question. I
 17 don't know.
 18 MR. GROSSMAN: We'll mark this as
 19 Exhibit 2. You've seen this before.
 20 (Whereupon, the aforementioned
 21 document, was marked as Defendants'
 22 Exhibit 2 for identification as of this
 23 date by the reporter.)
 24 Q. Take as much time as you need.
 25 MR. KESHAVARZ: Objection.

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1 J. GUZMAN
 2 My client has already testified he
 3 doesn't read English. You're giving him
 4 a document written in English and you're
 5 asking him to read it, so I'm not sure
 6 -- go ahead and ask your question.
 7 MR. GROSSMAN: Can you
 8 translate --
 9 MR. KESHAVARZ: Wait. Can you
 10 translate what I just said, too?
 11 THE INTERPRETER: If you want me
 12 to translate everything you say, I will.
 13 MR. KESHAVARZ: Yes, please.
 14 MR. GROSSMAN: I don't understand
 15 why he needs to hear the basis of your
 16 speaking objection.
 17 He should know whether he can read
 18 it or not without your help.
 19 MR. KESHAVARZ: That's not what
 20 you asked. If you want to ask him to
 21 read English, then you can ask him to
 22 read English.
 23 Q. My question is: Have you ever
 24 seen this document before?
 25 A. I saw it now. I have seen it when

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1 J. GUZMAN
 2 they're following me. Now I see it.
 3 Q. Have you ever seen this document
 4 before today?
 5 MR. KESHAVARZ: Objection to the
 6 form of the question.
 7 If you know, you may answer.
 8 A. Yeah, before today. Yes, of
 9 course.
 10 Q. Did you review this document
 11 before it was filed?
 12 MR. KESHAVARZ: Objection to the
 13 form of the question.
 14 You may answer.
 15 A. Yeah, I got it now, and that's why
 16 I brought it to him to ask, "What is this
 17 about?"
 18 Q. Mr. Guzman, this is the Complaint
 19 filed by your attorney alleging claims
 20 against my client.
 21 Did you review this document
 22 before it was filed?
 23 MR. KESHAVARZ: Objection to the
 24 form of the question.
 25 You may answer it.

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1 J. GUZMAN
 2 A. I don't know. I don't know.
 3 Q. Thank you.
 4 Do you know whether the
 5 allegations in this document are accurate?
 6 MR. KESHAVARZ: Objection to the
 7 form of the question.
 8 He already said he didn't read it,
 9 and he doesn't speak English.
 10 I object. It's an abusive
 11 question.
 12 But you may answer, if you know.
 13 A. No.
 14 Q. Okay. Now, let's go back to the
 15 complaint that my client filed against you,
 16 which I think there was some confusion
 17 before, or, rather, that was filed on behalf
 18 of my client against you.
 19 Did there come a time when you
 20 became aware that a complaint had been filed
 21 against you alleging you owed a debt?
 22 MR. KESHAVARZ: Objection. Form.
 23 A. Yes, when I found out.
 24 Q. And when was that?
 25 A. When I found out is when they sent

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1 J. GUZMAN
 2 A. Yeah. Before my lawyer sent it
 3 in, yes, I looked at it.
 4 Q. Did he provide you with the
 5 Spanish language translation?
 6 A. No. Yeah, the person who could
 7 read to me was the company in the Bronx,
 8 because I didn't know what it was about.
 9 Q. So am I correct that someone read
 10 this to you?
 11 A. Yeah. The company, yeah, and the
 12 company told me. And that's why I -- so
 13 immediately I reacted, and I said, "What is
 14 this?"
 15 Q. I think we may have some confusion
 16 here. This is not the complaint my client
 17 filled against you alleging you owe a debt.
 18 This is a complaint that your
 19 attorney filed on your behalf alleging claims
 20 against my client.
 21 Have you reviewed this document
 22 before?
 23 MR. KESHAVARZ: Objection to the
 24 form of the question.
 25 You may answer.

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1 J. GUZMAN
 2 a letter to my employer to retain my salary.
 3 Q. And to which employer was this
 4 letter sent?
 5 A. The Siena Marble.
 6 Q. How did you find out that a letter
 7 had been sent to La Siena Marble?
 8 A. Yeah, because my boss called me
 9 and says, "Guzman, what is this?"
 10 Q. And what did you do after you had
 11 that conversation with your boss?
 12 A. So I said, you know, "Give it to
 13 me," but I couldn't read it.
 14 So I asked, "Could you read it to
 15 me?" And he said that I owed this money.
 16 Q. What did you do then?
 17 A. Yeah. At first I went crazy. I
 18 didn't know what to do. I just said, "What
 19 is this?"
 20 Q. And did you take any steps after
 21 that?
 22 A. Yeah. I called a few people that
 23 might have known a little bit about this,
 24 but, you know, basically they said, "You have
 25 to go to court."

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1 J. GUZMAN
 2 Q. And did you go to court?
 3 A. Yes.
 4 Q. Which court?
 5 A. The court in the Bronx.
 6 Q. And how long after you became
 7 aware of the letter to your employer did --
 8 how much time passed before you went to Bronx
 9 County Courthouse?
 10 A. About three or four days. I was
 11 nervous. I didn't know what to do.
 12 Q. What did you do at the Bronx
 13 County Courthouse?
 14 A. When I went there, I showed them
 15 the letter, and I asked them what did it
 16 signify and they said, "It's something you
 17 have against you."
 18 Q. Did you review the court file?
 19 MR. KESHAVARZ: Objection to the
 20 form of the question.
 21 A. To get to those documents I had to
 22 go through Long Island and to the Court in
 23 the Bronx four times. And I almost lost my
 24 job.
 25 Q. This was the court in the Bronx?

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1 J. GUZMAN
 2 A. Yes. 162 in the Grand Concourse.
 3 161 in the Grand Concourse in the Bronx.
 4 Q. During one of those visits, were
 5 you able to review any documents in the court
 6 file?
 7 MR. KESHAVARZ: Objection to the
 8 form of the question.
 9 A. How can I look at the files, you
 10 know, lastly they gave them to me, but
 11 they're in English.
 12 Q. What did you do then?
 13 A. Yeah. Somebody suggested that I
 14 find someone to -- you know, to interpret
 15 what these documents were saying.
 16 MR. GROSSMAN: I'm sorry,
 17 Interpreter. He's using the word
 18 "CLARO." Do you know --
 19 THE INTERPRETER: Oh, I thought he
 20 was saying, you know, "CLARO" as yes.
 21 Of course. CLARO is a person.
 22 A. Yeah, when I went to read the
 23 documents -- oh, the people in CLARO.
 24 MR. KESHAVARZ: I heard the word
 25 "CLARO" in the translation several

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1 J. GUZMAN
 2 times.
 3 Have you been using the word
 4 "CLARO" during part of the deposition
 5 testimony, Mr. Guzman?
 6 THE WITNESS: No, no. CLARO.
 7 CLARO was the one who helped me to
 8 understand the documents.
 9 MR. KESHAVARZ: I may be able to
 10 short circuit this a little bit.
 11 What is CLARO if you know?
 12 THE WITNESS: CLARO is a company
 13 that helps people. They're in the court
 14 to help with these types of frauds that
 15 they do, that they make.
 16 MR. GROSSMAN: Mark this as
 17 Exhibit 3.
 18 (Whereupon, the aforementioned
 19 English and Spanish Summons to the
 20 Complaint, was marked as Defendants'
 21 Exhibit 3 for identification as of this
 22 date by the reporter.)
 23 Q. Take as much time to look at is as
 24 you would like.
 25 A. (Witness complied.)

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1 J. GUZMAN
 2 Q. Do you recognize this document?
 3 A. Yes, of course. Yes, of course.
 4 Q. Was this part of the court file
 5 that you saw in Bronx County?
 6 A. Yes, sir.
 7 MR. KESHAVARZ: I just want the
 8 record to be clear. He's looking at the
 9 Spanish side. This is a double-sided
 10 document.
 11 MR. GROSSMAN: Yes, this is the
 12 English and Spanish language Summons to
 13 the complaint.
 14 MR. KESHAVARZ: I know, but he's
 15 only looking at the Spanish side when
 16 he's asking that question.
 17 MR. GROSSMAN: Understood.
 18 MR. KESHAVARZ: I just want to
 19 make sure the record is clear. He's
 20 only looking at the Spanish side, not
 21 the English side.
 22 A. I left my glasses in the car.
 23 Q. Without disclosing any of the
 24 content of your conversation with CLARO, what
 25 was your reaction after reviewing the court

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J. GUZMAN

file?

A. My reaction was, you know, "Who?" And they said I owe money to collection agency from a First USA Bank. It's a debt that I never know of. I haven't any past with USA Bank.

Q. Would it be accurate to say you were upset?

A. I was surprised. I said, "What is this? I don't have any business with this bank."

Q. But you weren't upset?

MR. KESHAVARZ: Objection to the form.

A. No.

Q. It didn't bother you?

MR. KESHAVARZ: Objection to the form of the question. It doesn't state the time frame.

MR. GROSSMAN: I think we're talking about his reaction after reviewing the court file.

MR. KESHAVARZ: I don't think that's what the question is.

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J. GUZMAN

MR. GROSSMAN: Your objection stands.

MR. KESHAVARZ: The objection doesn't say the time frame of being upset.

You may answer.

Q. I will rephrase it.

After you reviewed the court file, were you upset?

MR. KESHAVARZ: Objection to the form of the question.

Q. Were you upset?

MR. GROSSMAN: It stands.

A. What I wanted to know, what it was, why is this. Because if I'm responsible for something, I'm responsible. I have to respond.

What bothers me is that, you know, they're accusing me of something that I never knew of. I never received anything.

Q. Were you bothered that you were being asked to pay for a debt that, in your mind, that you didn't owe?

MR. KESHAVARZ: Objection. Form.

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J. GUZMAN

A. I wanted -- I wasn't upset. I wanted to investigate where is this coming from.

Q. After reviewing the court file, you were interested in getting to the bottom of this?

MR. KESHAVARZ: Objection to the form of the question.

A. Yeah, I wanted to know what happened, so I was looking for people that know to find the answer.

Q. And what did you do next?

MR. KESHAVARZ: Objection. Form.

A. Then they told me, and they gave me the information that my lawyer would be able to help me.

(Whereupon, the aforementioned Document to Vacate Judgment, was marked as Defendants' Exhibit 4 for identification as of this date by the reporter.)

MR. LICHTMAN: Can I just ask one question?

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J. GUZMAN

You said they gave you information that your lawyer would be able to help you. Who gave you that information?

THE WITNESS: The lady at CLARO said, "You have to find help for this."

And my wife and I looked and looked, and we found him and he could help us.

BY MR. GROSSMAN:

Q. I would like to show you what has been marked as Exhibit 4.

Do you recognize this document?

MR. KESHAVARZ: Actually, I object that he's not looking at the marked document. If you could show the witness the actual exhibit.

MR. GROSSMAN: Sure.

MR. KESHAVARZ: I note that the prior exhibits shown to the client didn't actually have the sticker on it. I'm not saying it was being deceptive or anything. I'm just noting that the client wasn't being given the exhibit with the sticker on it.

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J. GUZMAN

A. I don't remember too well.

Q. Can you look at the last page of the document? Sorry, apologize. It looks like the second-to-the-last page.

MR. LICHTMAN: To be clear, that's the one marked 8 of 8 on the bottom.

MR. GROSSMAN: That's right.

Q. Is that your signature?

A. I can't tell you yes or no. I don't remember.

Q. Do you recall filing a document with the court that sought to vacate the judgment entered against you?

MR. KESHAVARZ: Objection. Form.

A. I don't remember well.

Q. Do you recall whether the judgment against you was vacated?

MR. KESHAVARZ: Objection. Form.

A. Repeat, please.

Q. Do you recall whether the judgment entered against you was vacated?

MR. KESHAVARZ: Objection. Form.

A. I don't remember well, also.

Q. Do you recall whether you

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J. GUZMAN

represented to the Court that you did not owe the debt on which the judgment against you was based?

MR. KESHAVARZ: Objection to the form of the question.

A. I don't remember, also.

Q. Take a look again at Page 8 of 8.

A. I don't see -- I don't see -- I can't see it too well, and I can't read it in English.

Q. I'd like to draw your attention to what appears to be a signature in both English and in Spanish, "Jose D. Guzman"?

A. I don't know. I'm confused with that signature.

Q. Does this look like your signature?

A. It looks like mine, but I can't be sure that it's mine.

Q. This looks like your signature, but you don't recall signing this specific document?

MR. KESHAVARZ: Objection. Form.

A. I don't remember.

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J. GUZMAN

Q. Did you live at 20 West Euclid Street on July 23, 2015?

A. Yes.

Q. Was your phone number (547) 339-8116?

A. I don't remember.

Q. But this appears to look like your signature, and it's written above your address?

MR. KESHAVARZ: Objection to the form of the question. Asked and answered three times.

Go ahead.

A. It looks like my signature, but I don't remember. I don't remember.

Q. I'd like to draw your attention back to -- I'll just make sure you have the marked copy -- Exhibit 3.

MR. KESHAVARZ: Spanish-language side.

Q. I'd like you to ask you questions about the case file and the action filed against you on behalf of my client.

Do you have a view on whether you

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J. GUZMAN

owed the debt on which this action was based?

MR. KESHAVARZ: Objection to the form of the question.

A. I don't know.

Q. Have you ever told anyone you didn't owe the debt on which this judgment was based?

MR. KESHAVARZ: Objection to the form of the question.

Before you answer, after he translates, he's not asking about -- if you told me anything. He means someone other than me.

A. Yes, of course.

Q. Who have you told that to other than --

A. My wife. And Siena Marble, the employer who received this letter. Yeah, and some of my fellow workers. They saw, you know, that I was upset and that I had changed.

Q. What did you tell them about whether you owed the debt?

MR. KESHAVARZ: Objection. Form.

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J. GUZMAN

A. They would ask me, you know,
"What's wrong with you?"

So I said that there's a company
who's, you know, trying to collect money from
me, and they're using my name and they're
asking for it. I never got a letter to go to
a judge, and they said that they had given it
to me in my hands. And that's a lie.

MR. GROSSMAN: Can you please read
back my question?

(Whereupon, the requested question
was read back by the Court Reporter.)

MR. KESHAVARZ: Objection to form.

A. I told them I don't remember owing
anybody any money, and that I didn't know
that I owed that money. I didn't know what
this was about.

Q. Have you ever had a credit card
debt charged off, meaning the debt was
removed from your balance because you failed
to pay it for multiple months?

MR. KESHAVARZ: Objection to the
form of the question.

A. Did I remember? That I remember?

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J. GUZMAN

Q. Please, we need a verbal response.

A. No, I don't remember.

(Whereupon, the aforementioned
Jose Guzman's Complaint, was marked as
Defendants' Exhibit 5 for identification
as of this date by the reporter.)

Q. Please look through this document
take as much time as you would like.

MR. KESHAVARZ: Objection. He's
testified that he doesn't have his
reading glasses on.

MR. LICHTMAN: Let's take a break.
Why don't you get your reading glasses.

MR. KESHAVARZ: All right. That's
fine. Go off the record.

(Whereupon, there was a discussion
off the record.)

Q. We talked earlier this afternoon
about your credit cards.

You said you currently have three
credit cards, correct?

A. Yes.

Q. And do you receive monthly
statements for those credit cards?

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J. GUZMAN

A. Yes, of course.

Q. Do you receive them at your home?

A. Yes, sir.

Q. What do you do with them when you
receive them?

A. Yeah. I open them and I check
them and then I do whatever I have to do.

Q. You review them?

A. Yes.

Q. You check whether you owe money?

A. Yes, of course.

Q. And then you make a payment?

A. Yes.

Q. And how do you make your payments?

A. Electronically.

Q. Are these monthly account
statements for your Sears MasterCard?

MR. GROSSMAN: Can we mark this.

(Whereupon, the aforementioned
Sears MasterCard Monthly Account
Statements was marked as Defendants'
Exhibit 6 for identification as of this
date by the Reporter.)

MR. KESHAVARZ: Just note that

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J. GUZMAN

these are 30 pages.

MR. GROSSMAN: We could
actually -- if we want to shortcut this,
maybe we can look at the first statement
only?

MR. KESHAVARZ: Yeah.

Q. Is this a monthly account
statement for your Sears MasterCard?

MR. KESHAVARZ: Are you looking at
the first page?

Q. Page Number 372.

MR. KESHAVARZ: He's asking you
whether this first page of Exhibit 6 is
-- do you know if that is your Sears
MasterCard. That's what he's asking
you.

MR. GROSSMAN: I know there is no
nefarious attempt, but.

MR. KESHAVARZ: Okay. All right.

MR. GROSSMAN: Thank you.

A. I am a little confused. I don't
know.

Q. Do you -- the account statements
you receive in English or Spanish?

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J. GUZMAN

A. In English. But my wife is the one that looks them over.

Q. Do you look them over together?

A. Yes, yeah. She explains it to me, and we do the payments.

Q. Do you always review them together, or does your wife sometimes review them herself?

MR. KESHAVARZ: Objection. Form.

A. There are times when she looks at them by herself.

Q. Would you say that generally you review them together?

A. Yes.

Q. Can we turn to Exhibit 5.

A. (Witness complied.)

Q. Is this your name at the top of the document?

A. I can't tell you. I don't know.

MR. KESHAVARZ: Can I help expedite it? Can I just read it into the record? I mean, do what you want, I'm just trying to help get the logistics out of the way.

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J. GUZMAN

Q. Why can't you tell whether this is your name?

A. Because that last name -- I never use it. And that's I'm confused.

Q. Is it your mother's maiden name?

A. Yes.

Q. Is 1304 Boston Road an address you used to work at?

A. Yes.

Q. So this document has Jose Guzman Lara at the top, and has the address of your former employment; is that right?

A. Yes. Okay. But I can't affirm that that's my name.

Q. That's not my question.

A. Okay.

Q. There is Spanish language on each of the first eight pages.

MR. KESHAVARZ: That's not true.

There's both English and Spanish.

Q. There's Spanish written on each of the first eight pages.

MR. KESHAVARZ: I object. They're both English and Spanish on the page.

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J. GUZMAN

MR. GROSSMAN: Yes.

MR. KESHAVARZ: There's both English and Spanish on the pages. But go ahead.

Q. Can you please read the Spanish portion of these documents?

A. I can't read it, because I can't see it well.

Q. Because you didn't bring your reading glasses?

A. Yeah, because the glasses are at work at the supermarket, and I thought they were in the car.

Q. All right. Well, we'll have to -- there's an English translation written below it. We'll read each passage.

I'm on the first page. "You are two payments past due. Failure to pay promptly could seriously damage your credit rating. If you've already paid, thank you."

MR. GROSSMAN: Could you please also translate the statement closing date?

THE INTERPRETER: This one here?

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J. GUZMAN

MR. GROSSMAN: Yes.

(Interpreter translates the statement closing date.)

MR. GROSSMAN: And can you also translate previous balance.

(Interpreter translates the previous balance.)

A. So what you are asking me about this? This is what I want to know.

Q. So I will ask you several questions. I would have just had you read it, but you didn't bring your glasses and are unable to read.

A. Okay.

Q. For that reason we'll go over it together, and then there will be questions.

A. Okay.

Q. On the next page.

A. (Witness complies.)

MR. GROSSMAN: Again, if you could translate the statement closing date.

(Interpreter translates the closing date.)

Q. Which is February 25, 2004.

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1 J. GUZMAN
 2 MR. GROSSMAN: And then the
 3 previous balance.
 4 (Interpreter translates the
 5 previous balance.)
 6 Q. It's \$4,869.40.
 7 And then at the bottom it says,
 8 "Your account is seriously delinquent. We
 9 want to work with you to resolve this matter.
 10 Call now to discuss your payment options."
 11 The next page. The statement
 12 closing date is March 25th, 2004. Previous
 13 balance is \$5,607.91.
 14 And then at the bottom it reads,
 15 "Your account is closed, and the credit
 16 bureaus have been notified. Please pay the
 17 minimum due now to avoid possible legal
 18 action."
 19 Next page. Statement closing
 20 date, April 26th, 2004. Approximate previous
 21 balance \$5,243.72.
 22 At the bottom it reads, "It's not
 23 too late to resolve your serious delinquency.
 24 Call us for your payment options that will
 25 help you improve your credit rating."

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1 J. GUZMAN
 2 account number?
 3 (Interpreter translates account
 4 number.)
 5 Q. Do you see the 16 digit account
 6 number on these documents?
 7 A. Ah huh.
 8 Q. And I would like to draw your
 9 attention back to Exhibit 3.
 10 This is the Summons you reviewed
 11 in the court file in Bronx County, correct?
 12 A. Okay.
 13 Q. This 16-digit number at the bottom
 14 of the Summons is the same as the account
 15 number on these statements, correct?
 16 A. This number here?
 17 Q. Yes.
 18 A. Yes, yes, the one that's here. It
 19 looks like it's the same.
 20 Q. The unpaid balance on the account
 21 statement, \$5,809.51 --
 22 A. Okay.
 23 Q. -- that's the same dollar figure
 24 identified on the summons as well, correct?
 25 MR. KESHAVARZ: No. Objection.

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1 J. GUZMAN
 2 Next page. That's statement
 3 closing date, May 26th, 2004. Previous
 4 balance is \$5,434.71.
 5 "This is the last chance to
 6 prevent long-term damage to your credit
 7 rating. Contact us now to make immediate
 8 payment arrangements."
 9 Next page. Statement closing
 10 date, June 24th, 2004. Previous balance,
 11 \$5,622.14.
 12 And at the bottom it reads,
 13 "Failure to make payment has damaged your
 14 credit rating. We want to work with you to
 15 rebuild your credit. Call today to get
 16 started."
 17 Next page. Statement closing
 18 date, June 25, 2004. Previous balance,
 19 \$5,809.51.
 20 At the middle of the page, it
 21 reads, "Charge off account principles and
 22 charge off account finance charges."
 23 I would like to draw your
 24 attention to --
 25 MR. GROSSMAN: Can you translate

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1 J. GUZMAN
 2 MR. GROSSMAN: There are multiple
 3 numbers on --
 4 MR. KESHAVARZ: Objection. One
 5 number out of the whole document.
 6 MR. GROSSMAN: Your speaking
 7 objection is not necessary.
 8 Q. Is the unpaid balance of \$5,809.51
 9 also identified on the summons?
 10 MR. KESHAVARZ: Objection. That's
 11 not what the document says. You're
 12 misreading the document. If you want to
 13 the translator to read --
 14 MR. GROSSMAN: Can you please read
 15 back the question?
 16 (Whereupon, the requested question
 17 was read back by the Court Reporter.)
 18 MR. KESHAVARZ: It doesn't say
 19 that.
 20 Q. Is that number also identified on
 21 the summons?
 22 MR. KESHAVARZ: Is the number
 23 there somewhere on the summons?
 24 MR. GROSSMAN: It's exactly my
 25 question.

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1 J. GUZMAN
 2 MR. KESHAVARZ: Is the number
 3 somewhere on the summons?
 4 Go ahead.
 5 Q. Is \$5,809.51 also identified on
 6 the summons?
 7 A. I think there is something here I
 8 don't understand. There is something I don't
 9 understand.
 10 Q. I would like an answer to my
 11 question.
 12 A. How can I answer? I don't
 13 understand what you're asking me.
 14 MR. KESHAVARZ: I can stipulate
 15 that that number is on both documents.
 16 I can stipulate to that.
 17 What's the question?
 18 MR. LICHTMAN: We're not asking
 19 for your stipulation. We're asking for
 20 the witness to take a look at the
 21 document, and answer whether the number
 22 --
 23 MR. GROSSMAN: It should be easy
 24 in English or Spanish or French. These
 25 are numbers.

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1 J. GUZMAN
 2 was read back by the Court Reporter.)
 3 Q. You can't, or you won't?
 4 A. No. What I want to know is what
 5 is this about. My demand -- I want to know
 6 who's demanding the money, the Chase Bank, or
 7 the First Bank.
 8 Q. I would like an answer to my
 9 question.
 10 Is the unpaid balance identified
 11 on this statement of \$5,809.51 also
 12 identified on the summons?
 13 MR. KESHAVARZ: Objection. Form.
 14 That's not what the document says. You
 15 want him to say if the number is the
 16 same.
 17 MR. LICHTMAN: No, no. I'll tell
 18 you what. Let's call the judge. If
 19 you're going to continue speaking right
 20 now, we're going to call the judge?
 21 Re-state the question.
 22 MR. GROSSMAN: Can you please read
 23 back the question?
 24 (Whereupon, the requested question
 25 was read back by the Court Reporter.)

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1 J. GUZMAN
 2 MR. KESHAVARZ: If the number is
 3 the same on the two documents. That's
 4 the question.
 5 MR. GROSSMAN: Can you please read
 6 back the question?
 7 Your objection obviously still
 8 stands.
 9 (Whereupon, the requested question
 10 was read back by the Court Reporter.)
 11 MR. KESHAVARZ: I object. You're
 12 taking -- is that --
 13 MR. GROSSMAN: Are you directing
 14 witness not to answer?
 15 MR. KESHAVARZ: Go ahead.
 16 You can answer if you know.
 17 A. I can't answer that question. I
 18 won't answer that question.
 19 MR. GROSSMAN: The witness is
 20 refusing to answer.
 21 MR. KESHAVARZ: That's not what he
 22 said.
 23 MR. GROSSMAN: Can you please read
 24 back the answer?
 25 (Whereupon, the requested question

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1 J. GUZMAN
 2 MR. KESHAVARZ: Why are we playing
 3 games here? The document says,
 4 "Judgment will be taken."
 5 MR. LICHTMAN: No, no, no. We're
 6 going to call the judge.
 7 MR. KESHAVARZ: Call the judge.
 8 What's the question? What's the
 9 question on the table?
 10 Can you please read back the
 11 question?
 12 (Whereupon, the requested question
 13 was read back by the Court Reporter.)
 14 MR. KESHAVARZ: Objection.
 15 Misstating the testimony of the summons.
 16 Wait.
 17 And the document says, "Judgment
 18 will be taken against you for the sum of
 19 \$8,666 with interest on the sum of
 20 \$5,809.51" --
 21 MR. GROSSMAN: Wait.
 22 MR. KESHAVARZ: Wait, wait. I'm
 23 not done -- "from the date of the filing
 24 of the complaint and cost of this
 25 action."

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1 J. GUZMAN
 2 So you can ask your question.
 3 MR. GROSSMAN: Okay.
 4 MR. LICHTMAN: Let's call the
 5 judge.
 6 MR. KESHAVARZ: What's the
 7 question on the table? What's the
 8 question?
 9 MR. LICHTMAN: No, I'm sorry. I'm
 10 asking to call the judge right now.
 11 MR. KESHAVARZ: To what end?
 12 MR. LICHTMAN: To the end for you
 13 to stop obstructing the deposition.
 14 MR. KESHAVARZ: Ask the question.
 15
 16 MR. LICHTMAN: We've asked the
 17 question. You have given a very lengthy
 18 speaking objection after we've asked you
 19 not to.
 20 MR. GROSSMAN: We've asked the
 21 question, and we've read it back at
 22 least six times.
 23 MR. KESHAVARZ: Mr. Guzman, if you
 24 understand the question, you can answer
 25 the question.

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1 J. GUZMAN
 2 Yeah, so what's up with that?
 3 Q. So the bank names are different,
 4 though.
 5 You understood it to be a debt
 6 from First USA Bank; is that correct?
 7 MR. KESHAVARZ: Objection to the
 8 form of the question.
 9 You may answer, if you understand.
 10 A. Why did this come for Chase? Is
 11 it Chase, or is it First USA?
 12 Q. Chase and First USA are different
 13 bank names, correct?
 14 MR. KESHAVARZ: Objection to the
 15 form of the question.
 16 A. For me, yes.
 17 Q. But this 16-digit account number
 18 is the same as the 16-digit number at the
 19 bottom of the summons, correct?
 20 A. You can present all you want to
 21 me, but Chase is not First. Yeah, it's First
 22 that's asking me for the money, not Chase. I
 23 never received a file in court that says
 24 Chase.
 25 Q. So you didn't pay the debt because

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1 J. GUZMAN
 2 I'm sorry --
 3 MR. GROSSMAN: You can be sorry
 4 all you want.
 5 MR. LICHTMAN: Well, we're going
 6 to call the judge.
 7 MR. KESHAVARZ: Mr. Guzman, do you
 8 understand what the question is? Do you
 9 want him to read back the question?
 10 A. Read it again, because I'm
 11 confused with the question.
 12 MR. GROSSMAN: Your objection
 13 stands. If there is another lengthy
 14 speaking objection, we're calling the
 15 judge.
 16 Can you please read back the
 17 question?
 18 (Whereupon, the requested question
 19 was read back by the Court Reporter.)
 20 MR. KESHAVARZ: Objection to the
 21 form of the question.
 22 You may answer, if you know.
 23 Q. Where's the amount? \$5,809.51.
 24 A. Okay. I see that the same
 25 number's there. That's what I can see.

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1 J. GUZMAN
 2 the file says First USA Bank, not Chase Bank?
 3 MR. KESHAVARZ: Wait. Objection.
 4 Form. If you want --
 5 MR. GROSSMAN: You've objected.
 6 That's enough.
 7 MR. KESHAVARZ: Wait. Objection
 8 to the form of the question.
 9 If you can answer, you can answer.
 10 Can you please translate that?
 11 MR. GROSSMAN: Can you please read
 12 back the question?
 13 MR. KESHAVARZ: Wait.
 14 (Interpreter translated the
 15 objection.)
 16 (Whereupon, the requested question
 17 was read back by the Court Reporter.)
 18 A. Yeah, I didn't pay the debt,
 19 because I don't remember owing this to Chase
 20 and much less to First.
 21 Q. Did you have \$5,809.51 in your
 22 bank account in June of 2004?
 23 MR. KESHAVARZ: Objection. Form.
 24 A. Repeat the question, please.
 25 MR. GROSSMAN: Can you read back

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1 J. GUZMAN
2 the question?
3 A. No, sir.
4 Q. So you couldn't have paid this
5 debt even you wanted to?
6 MR. KESHAVARZ: Objection to the
7 form of the question. It's abusive,
8 which we can instruct not to answer
9 because he says he doesn't know anything
10 about the debt.
11 But you can answer if you
12 understand.
13 A. I don't remember nothing about
14 that account. I don't remember having an
15 account with Chase, and much less with First.
16 MR. GROSSMAN: Can you read back
17 the question?
18 (Whereupon, the requested question
19 was read back by the Court Reporter.)
20 A. It's not that I couldn't pay it.
21 I didn't have that account. I don't remember
22 having that account.
23 Q. Didn't you just testify that you
24 didn't have \$5,809.51 in your bank account in
25 June 2004?

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1 J. GUZMAN
2 (Whereupon, the aforementioned
3 Chase Credit Card Application, was
4 marked as Defendants' Exhibit 7 for
5 identification as of this date by the
6 reporter.)
7 Q. There is a nine-digit number at
8 the top beginning 598.
9 Do you recognize this number?
10 A. Yes. My Social Security number.
11 Q. Have you ever lived at the address
12 listed on this document, 1339 Prospect
13 Avenue, Bronx, New York.
14 A. I used to live there.
15 Q. Did you live there in 2001?
16 A. I don't remember if it was 2001.
17 Q. Any reason to think it wasn't?
18 MR. KESHAVARZ: Objection to the
19 form of the question.
20 A. I don't remember. It's been
21 awhile.
22 Q. Do you recognize this date at the
23 top?
24 A. That's my date of birth.
25 Q. So this is a document that has

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1 J. GUZMAN
2 A. Yeah. Even if I said I had it,
3 how am I going to pay something if I don't
4 know, you know, that account.
5 Q. You explained that Lara was your
6 mother's maiden name.
7 Is it also your wife's name?
8 A. Say it again.
9 Q. Is Lara also your wife's name?
10 MR. KESHAVARZ: Objection.
11 Objection. Form.
12 A. Yes.
13 MR. KESHAVARZ: Objection. Form.
14 Which spelling?
15 Q. How do you spell your wife's first
16 name?
17 A. Lara -- I don't know.
18 Q. Do you recall having a Chase
19 credit card?
20 A. That I remember, yes. I had an
21 account with Chase.
22 Q. Did you have that account in 2004?
23 A. No, I don't remember.
24 MR. GROSSMAN: Can we mark this as
25 Exhibit 7.

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1 J. GUZMAN
2 your Social Security number and your birth
3 date on it?
4 A. Okay.
5 Q. Do you recognize this signature?
6 A. Yeah. That signature, it's -- I
7 don't recognize it, because it's too
8 agitated. It's not how I sign.
9 Q. Is this your wife's signature?
10 MR. KESHAVARZ: Objection to form.
11 A. No.
12 Q. I would like to read to you the
13 two paragraphs in the middle of the document.
14 Actually, I think even the first two
15 sentences, unless you think more is necessary
16 for completeness.
17 It says, "Yes, I want a Chase Visa
18 Classic Standard MasterCard with a \$3,000
19 credit line and no annual fee."
20 Does this appear to be an
21 application for a Chase credit card?
22 MR. KESHAVARZ: Objection to the
23 form of the question.
24 You may answer, if you know.
25 A. I don't remember this.

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J. GUZMAN

MR. GROSSMAN: Can you repeat the question?

(Whereupon, the requested question was read back by the Court Reporter.)

MR. KESHAVARZ: Objection to the form of the question.

You may answer, if you know.

A. It seems like it, but I don't remember. I don't remember applying, and this signature is not mine.

Q. And it's not your wife's?

MR. KESHAVARZ: Objection to the form of the question.

A. What was that?

Q. And it's not your wife's?

MR. KESHAVARZ: Objection to the form of the question.

A. Impossible.

Q. Do you have any reason to believe someone other than you or your wife would have applied for a credit card in your name?

MR. KESHAVARZ: Objection to the form of the question.

You may answer, if you know.

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J. GUZMAN

A. It could be, but I don't know. I can't say I know of anybody.

Q. You have no idea?

A. No.

Q. Did you have any credit card in 2004?

A. That I remember, no.

(Whereupon, an off-the-record discussion was held.)

(Lunch recess taken.)

MR. GROSSMAN: I would like to mark this as Exhibit 8.

Q. There are multiple copies, but I'll show it to you first.

This is marked Guzman Second Supplemental Production Number 11.

(Whereupon, the aforementioned Guzman Second Supplemental Production Number 11, was marked as Defendants' Exhibit 8 for identification as of this date by the reporter.)

MR. KESHAVARZ: Okay.

Q. Do you recognize this document?

A. Yes, I recognize it.

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J. GUZMAN

Q. What is it?

A. It's my driver's license.

Q. Does this refresh your recollection as to whether the signature on Exhibit 7 is your signature?

A. The signature on this document?

Q. Right. Does that refresh your recollection as to whether you recognize the signature on Exhibit 7?

A. Okay. I do have to remember, of course.

Q. What do you remember?

A. You're asking me what signature is on that document.

Q. I'm asking if it refreshes your recollection as to whether you recognize the signature on this document, Exhibit 7.

MR. KESHAVARZ: Objection. Form.

A. If it refreshes my memory. Okay. I'm confused.

Q. Does seeing the signature on Exhibit 8 cause you to change your answer about whether you recognize the signature on Exhibit 7?

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J. GUZMAN

A. I don't know. I don't remember.

Q. That's fine. Thank you.

We talked earlier today about your Chase checking account, not the Chase credit card we've been talking about for the last hour or so, but a Chase checking account.

Do you recall talking about your Chase checking account?

A. Yeah, yeah, we talked about the checking account.

Q. Do you know the last four digits of that account number?

A. No.

Q. You said earlier that your wife sometimes reviews credit card statements with you; is that right?

A. With me, yes.

Q. And sometimes by herself?

A. Sometimes alone. She comes home. She sees the mail. You know, she's my wife.

Q. Do you ever review them without her?

A. Yes. I look at them because they're mine.

1 J. GUZMAN
2 Q. Are you able to -- strike that.
3 Do you ever pay your monthly
4 credit card statements before consulting with
5 your wife?
6 A. No, no. I always speak to her
7 first. I believe in her.
8 Q. Does she read English?
9 A. Not too good.
10 Q. Is she able to read the credit
11 card statements?
12 MR. KESHAVARZ: Objection. Form.
13 A. She looks at the accounts, yes.
14 Q. Did she understand them?
15 MR. KESHAVARZ: Objection. Form.
16 A. Yes.
17 Q. When she reviews them, does she
18 tell you what the balance is?
19 A. If I'm there, you know, she gives
20 it to me, but I check the balance myself.
21 Q. I'm sorry. How do you check the
22 balance?
23 A. She can't do anything unless I
24 authorize her.
25 Q. I'm just wondering how is he able

1 J. GUZMAN
2 to check the balance without her?
3 A. To look at the balance -- to look
4 at the balance of a card it's very simple.
5 You just look where it says "Balance."
6 But sometimes she helps me
7 understand what it says on the mail, you
8 know, whatever it says on top.
9 Q. Let's turn back to Exhibit 5.
10 Can you identify where the balance
11 is on this document?
12 MR. KESHAVARZ: You're pointing to
13 Page 1?
14 MR. GROSSMAN: Right.
15 A. The balance on this document is --
16 the balance is here, \$4,781.26 balance.
17 Q. So you can read the balance on the
18 English-language credit card statement?
19 A. Even if it's in English, I can
20 read it, of course. Yeah, I'm not blind.
21 Q. It had been represented that you
22 couldn't read these documents.
23 MR. KESHAVARZ: That's not --
24 A. Okay. Okay.
25 Q. But can you also determine from

1 J. GUZMAN
2 these documents how much you owe each month?
3 MR. KESHAVARZ: You're pointing to
4 the first page?
5 MR. GROSSMAN: This is a general
6 question about any credit card
7 statement.
8 Q. If you look at a credit card
9 statement, can you determine how much you
10 owe?
11 A. When I see a card that I have to
12 pay and there is a minimum balance to pay, I
13 pay it. And when I can pay more, I pay more.
14 MR. GROSSMAN: Mark this as
15 Exhibit 9.
16 (Whereupon, the aforementioned
17 Lincoln Square Legal Services Document,
18 was marked as Defendants Exhibit 9 for
19 identification as of this date by the
20 reporter.)
21 Q. Are you aware there came a time
22 when the debt collection judgment against you
23 was vacated?
24 A. I don't remember about that.
25 Q. Do you understand what is meant by

1 J. GUZMAN
2 vacated?
3 A. No.
4 Q. Turn to the second page of this
5 document, and I will read Paragraph 1.
6 "The judgment entered in this
7 matter on September 21, 2007 for \$7,821.01
8 and all resulting notices, restraints,
9 levies, and property or income executions are
10 hereby vacated and set aside."
11 And the paragraph says, second
12 paragraph, sorry, "This matter is
13 discontinued with prejudice and without cost
14 to either party."
15 Do you understand what was meant
16 by "set aside"?
17 A. No.
18 Q. This document is signed by
19 Marcella Silverman of Lincoln Square Legal
20 Services.
21 Do you know Marcella Silverman?
22 A. No.
23 Q. Are you aware that my client made
24 a request for documents in this case?
25 MR. KESHAVARZ: Objection to the

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1 J. GUZMAN

2 form of the question.

3 A. No.

4 Q. Are you aware that at one point in
5 time my client requested all bank statements
6 from the years 2014, 2015, or 2016 for any
7 bank account, brokerage account, or
8 retirement account held by you in your name?

9 A. No.

10 Q. Are you aware that on May 4, 2017,
11 the Court ordered you to provide my client
12 with bank records through the close of
13 discovery, which at that time was May 31,
14 2017?

15 MR. KESHAVARZ: Objection to the
16 form of the question.

17 A. No.

18 Q. Have you provided your counsel
19 with all of your bank statements from the
20 years 2014 through May 31, 2017?

21 MR. KESHAVARZ: Objection.

22 Don't answer.

23 It's an attorney-client
24 communication.

25 You can ask him if he has all the

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1 J. GUZMAN

2 bank statements, if he gave you all the
3 bank statements, but you can't ask him
4 if he gave me bank statements.

5 MR. GROSSMAN: It's part of his
6 document collection.

7 MR. KESHAVARZ: I know. But the
8 way you're asking it, you're asking if
9 he gave me bank statements. I mean,
10 there are a lot of other ways you can
11 get around it. I don't think that
12 particular phrasing is proper.

13 MR. GROSSMAN: What I want to know
14 is when he gave them to you.

15 MR. KESHAVARZ: I don't think you
16 can get into our communications.

17 MR. GROSSMAN: I don't want to
18 know -- I don't want to know anything
19 that was said between you.

20 What we're trying to find out is
21 when you received the bank statements.

22 MR. KESHAVARZ: But that's between
23 us. That's a communication between us.
24 Besides you have them, so I'm not sure
25 what the relevance is.

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1 J. GUZMAN

2 But anyway, you're asking about a
3 communication between the two of us. I
4 don't think that's proper.

5 Q. Did the bank statements you
6 collected include statements from your
7 Citibank checking and savings account?

8 MR. KESHAVARZ: Objection to the
9 form of the question.

10 You may answer, if you know.

11 A. I don't remember.

12 Q. Do you remember what bank records
13 you collected?

14 MR. KESHAVARZ: Objection. Form.

15 A. I don't know. I don't remember
16 about the banks.

17 Q. Do you remember collecting any
18 documents for this case?

19 MR. KESHAVARZ: Objection to the
20 form.

21 He's not asking you if I asked you
22 to do anything. He just asked you if
23 you remember gathering documents.

24 A. Yeah. I collected documents,
25 yeah, because I have to defend myself.

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1 J. GUZMAN

2 Q. And when did you undertake that
3 document collection?

4 MR. KESHAVARZ: Objection. Form.

5 A. I don't remember.

6 Q. Was it in the last month?

7 A. I don't remember.

8 Q. Was it six months ago?

9 A. I don't remember.

10 Q. Do you remember whether it was
11 closer to a week ago, or closer to six months
12 ago?

13 MR. KESHAVARZ: Objection to the
14 form of the question.

15 You may answer.

16 A. I don't remember exactly when I
17 collected.

18 Q. I'm not asking exactly when you
19 collected it.

20 A. I don't remember.

21 Q. You don't remember anything that
22 you collected; is that right?

23 MR. KESHAVARZ: Objection to the
24 form of the question.

25 A. No, no, I don't remember.

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1 J. GUZMAN
 2 Q. You can't identify one document
 3 that you collected?
 4 MR. KESHAVARZ: Objection to the
 5 form of the question.
 6 A. No.
 7 Q. And you can't give any estimate as
 8 to when you undertook that collection?
 9 MR. KESHAVARZ: Objection to the
 10 form of the question.
 11 A. No.
 12 Q. Did you collect bank records on
 13 one occasion?
 14 MR. KESHAVARZ: Objection. Form.
 15 A. Yes. For the same case, yes.
 16 Q. And you collected all the bank
 17 records at the same time?
 18 MR. KESHAVARZ: Objection. Form.
 19 A. That I remember, I don't know.
 20 Q. We spoke about two separate
 21 periods when you worked at Foodtown earlier
 22 today; do you recall?
 23 A. Yes.
 24 Q. I would like to talk about the
 25 first period you worked at Foodtown.

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1 J. GUZMAN
 2 MR. KESHAVARZ: Objection. Form.
 3
 4 A. Yes.
 5 Q. Did there come a time in
 6 November 2016 when you received a significant
 7 payment from sources outside of your
 8 employment?
 9 MR. KESHAVARZ: Objection. Form.
 10 He's not asking about an amount.
 11 A. Yes.
 12 Q. And how much did you receive?
 13 MR. KESHAVARZ: Objection.
 14 Instruct not to answer. That amount,
 15 that's confidential.
 16 MR. GROSSMAN: The amount is
 17 confidential?
 18 MR. KESHAVARZ: Yes.
 19 Q. Putting aside the amount, which
 20 your attorney has instructed you not to
 21 answer, how much did you receive personally?
 22 MR. KESHAVARZ: Objection.
 23 If you can translate, and then
 24 wait.
 25 (Interpreter translated the

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1 J. GUZMAN
 2 A. The first time I worked -- I don't
 3 remember exactly the date. 2007, 2008. I
 4 don't remember exactly.
 5 Q. Where did you work before you
 6 worked at Foodtown?
 7 MR. KESHAVARZ: Objection. Form.
 8 A. Before Foodtown, I worked at
 9 another supermarket.
 10 Q. Do you recall the name of the
 11 supermarket you worked at immediately before
 12 coming to Foodtown in 2007 or 2008?
 13 A. Fine Fare.
 14 Q. And approximately what dates did
 15 you work at Fine Fare?
 16 A. I don't remember exactly. It's
 17 been a lot of years.
 18 Q. But it was before coming to
 19 Foodtown in 2007 or 2008.
 20 A. It was the same owners, the same
 21 people. It's the same people, because they
 22 only changed the names.
 23 Q. And you were working at Fine Fare
 24 before you moved to Foodtown in 2007 or 2008;
 25 is that correct?

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1 J. GUZMAN
 2 objection.)
 3 MR. GROSSMAN: Sorry.
 4 MR. KESHAVARZ: Wait. Objection.
 5 (Interpreter translated the
 6 objection.)
 7 MR. KESHAVARZ: Instruct not to
 8 answer. Attorney-client work product.
 9 MR. GROSSMAN: Work product.
 10 You're asserting work product?
 11 MR. KESHAVARZ: Probably not work
 12 product. It's confidential.
 13 MR. GROSSMAN: It's probably not
 14 work product.
 15 Let's mark this.
 16 (Whereupon, the aforementioned
 17 Bank Statements, was marked as
 18 Defendants' Exhibit 10 for
 19 identification as of this date by the
 20 reporter.)
 21 Q. Do you know when you collected
 22 these documents, these bank statements?
 23 MR. KESHAVARZ: Objection to the
 24 form of the question.
 25 You may answer.

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1 J. GUZMAN
 2 A. Yes, I remember.
 3 Q. Approximately, when was that?
 4 A. I don't remember.
 5 Q. You remember doing it. You don't
 6 remember when?
 7 A. I don't remember the date.
 8 Q. Was it last week?
 9 A. I don't remember.
 10 Q. You don't remember if you
 11 collected the bank statements in Exhibit 10
 12 last week?
 13 MR. KESHAVARZ: Objection.
 14 Objection to the form.
 15 A. I don't remember.
 16 Q. Can you turn to the second page of
 17 this document? It's Bates Stamp Number 517.
 18 MR. GROSSMAN: Can you
 19 translate -- let's translate the top
 20 bar, "Checking Activity." Then there is
 21 a first transaction with a date of
 22 November 8, 2016, and then there is a
 23 column labeled amount added and then the
 24 number 20,000.
 25 (Interpreter translated.)

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1 J. GUZMAN
 2 MR. KESHAVARZ: I'm just trying to
 3 help you here.
 4 So can you translate?
 5 (Interpreter translated as
 6 requested.)
 7 A. I wasn't happy. I wasn't sad, to
 8 tell you the truth. This has given me a lot
 9 of frustration, this whole case.
 10 Q. Have you ever received \$20,000
 11 lump-sum payment before?
 12 A. Yes.
 13 Q. When?
 14 MR. KESHAVARZ: Objection. Form.
 15 A. It's been a long time.
 16 Q. When was the last time?
 17 A. That was in 2010.
 18 Q. What happened in 2010?
 19 A. A car accident. Somebody hit me
 20 from the rear. I was waiting at a red light.
 21 Q. How much did you receive following
 22 that accident?
 23 A. I don't remember.
 24 Q. It was more than \$20,000?
 25 A. Yes.

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1 J. GUZMAN
 2 Q. Do you recall having \$20,000 added
 3 to your account in November 2008?
 4 MR. KESHAVARZ: Mr. Guzman, it's a
 5 yes or no question.
 6 A. Yes.
 7 Q. Memorable event?
 8 A. Yes. Yes, I remember.
 9 Q. You were happy to have these funds
 10 added to your account?
 11 MR. KESHAVARZ: Objection to the
 12 form of the question.
 13 A. Happy? Why the question?
 14 Q. I ask the questions.
 15 A. I think that doesn't pertain.
 16 Q. It's not relevant whether you
 17 think it pertains.
 18 MR. KESHAVARZ: He just asked you
 19 if you're happy you had -- it's either
 20 yes or no --
 21 MR. GROSSMAN: Actually, we can
 22 perhaps stipulate if you're willing to
 23 withdraw the emotional distress claim,
 24 that we don't have to ask questions
 25 about whether he was happy.

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1 J. GUZMAN
 2 Q. Did you receive that from your
 3 insurance company?
 4 A. Yeah. The insurance from the
 5 people who banged into me.
 6 Q. Since 2010, you haven't received
 7 any payments of \$20,000 or greater, is that
 8 correct, until November 2008? November 8th,
 9 2016?
 10 A. I don't remember, no.
 11 Q. Have you made any significant
 12 purchases since you received the \$20,000
 13 payment?
 14 MR. KESHAVARZ: Objection to the
 15 form of the question.
 16 A. No.
 17 Q. Were you able to pay off any
 18 debts?
 19 A. No, no. I never owed anything
 20 here that I remember. Only what you have
 21 brought to light here.
 22 Q. What have I brought to light?
 23 A. All these things here that I don't
 24 know -- I don't know where they came from.
 25 This is a debt that I got, you know, in the

1 J. GUZMAN
2 mail through a correspondence, and I had to
3 go to court.
4 Q. Do you recall whether you were
5 carrying a balance of approximately \$1,700 on
6 your Sears MasterCard in October 2016?
7 A. I don't remember.
8 Q. Do you recall paying off a balance
9 of approximately \$1,700 on your Sears credit
10 card after October 2016?
11 A. I didn't understand what you said.
12 Q. Did you pay off a \$1,700 balance
13 on your Sears credit card after October 2016?
14 A. If I paid it, it's because I owed
15 the money.
16 Q. Yes?
17 A. Okay.
18 MR. GROSSMAN: I have misplaced my
19 exhibit. You want to take five minutes?
20 MR. LICHTMAN: Do you want me to
21 help you with that or --
22 MR. GROSSMAN: It's here.
23 MR. KESHAVARZ: Yes, let's take a
24 break.
25 (Recess taken.)

1 J. GUZMAN
2 before?
3 A. Yes.
4 Q. So you're aware my client offered
5 to allow judgment to be entered against him
6 in this action in the amount of \$8,000 in an
7 effort to resolve your claim?
8 MR. KESHAVARZ: Objection. Form.
9 A. Yes.
10 Q. And you understand that money
11 would have been paid to you on top of the
12 \$20,000 you already received?
13 MR. KESHAVARZ: Wait a second.
14 You can translate, and then I'm
15 going to instruct him not to answer.
16 (Interpreter translated the
17 question.)
18 MR. KESHAVARZ: Instruct not to
19 answer. It suggests that -- it's
20 essentially asking what the settlement
21 amounts with the other defendants were.
22 I don't think that's proper.
23 Instruct not to answer.
24 Q. And you understand that this
25 \$8,000 would have been on top of any other

1 J. GUZMAN
2 MR. GROSSMAN: Can we mark this as
3 Exhibit 11?
4 (Whereupon, the aforementioned
5 Rule 68 Offer of Judgment, was marked as
6 Defendants' Exhibit 11 for
7 identification as of this date by the
8 Reporter.)
9 Q. I'll read you the title of the
10 document in the first two sentences. What
11 I'd like to know is if you've seen this
12 document before. The document is entitled
13 "Rule 68 Offer of Judgment." It begins,
14 "Pursuant to Rules 68 of the Federal Rules of
15 Civil Procedure Defendant, LR Credit 13 LLC,
16 by its attorneys Herbert Smith Freehills New
17 York LLP offers to allow judgment to be
18 entered against it in this action in the
19 amount of \$8,000. This offer of judgment is
20 made for the purposes specified in Federal
21 Rules of Civil Procedure 68, and shall not be
22 construed as either an admission that
23 LR Credit 13 is liable in this action, or
24 that Plaintiff has suffered any damage."
25 Have you seen this document

1 J. GUZMAN
2 moneys received from any other defendants in
3 a settlement?
4 MR. KESHAVARZ: Objection. Form.
5 A. I don't know.
6 Q. Have you ever been divorced?
7 MR. KESHAVARZ: Objection. Form.
8 A. Yes, I have been divorced.
9 Q. When did your divorce occur?
10 A. It's been a lot of years in the
11 past. I don't remember the exact date.
12 Q. Have you ever been separated from
13 your current spouse?
14 MR. KESHAVARZ: Objection to the
15 form of the question.
16 A. No.
17 Q. Have you seen a doctor since 2014?
18 MR. KESHAVARZ: Objection. Form.
19 A. That I remember, no.
20 Q. Other than the two lawsuits we've
21 talked about today, the collections lawsuit
22 against you, and your lawsuit against my
23 client, have you been involved in any other
24 legal action since 2014?
25 MR. KESHAVARZ: Objection to the

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1 J. GUZMAN
 2 form of the question.
 3 You may answer.
 4 A. No.
 5 Q. Have you ever been a witness in
 6 any legal action since 2014?
 7 A. No.
 8 Q. Has any of your family been
 9 involved in any legal action since 2014?
 10 A. That I know, no.
 11 Q. You were born in the Dominican
 12 Republic, correct?
 13 A. Yes, sir.
 14 Q. Have you been naturalized?
 15 A. Yes, sir.
 16 Q. When was that?
 17 A. It's been 15 years. I don't
 18 remember exactly.
 19 Q. Is your wife also a U.S. citizen
 20 or has been naturalized?
 21 MR. KESHAVARZ: Objection to the
 22 form of the question.
 23 A. No.
 24 Q. Have you or anyone in your
 25 extended family have any contact with the

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1 J. GUZMAN
 2 U.S. Customs and Immigration Service since
 3 2014?
 4 MR. KESHAVARZ: Objection.
 5 Instruct not to answer.
 6 Magistrate Ellis has the exact
 7 ruling on this issue. Immigration
 8 status is improper for questioning. I
 9 will give you the case.
 10 MR. GROSSMAN: If it's an
 11 instruction not to answer, that's fine.
 12 We can stop it.
 13 MR. LICHTMAN: Yeah, I'd like to
 14 see the case.
 15 MR. KESHAVARZ: Wait. Don't
 16 answer that question.
 17 (Interpreter translated the
 18 objection.)
 19 MR. KESHAVARZ: It's 210 FRD 76 --
 20 210 FRD 76 TOPO versus EHIR.
 21 MR. GROSSMAN: I may be just about
 22 done. Can I have a couple of minutes --
 23 chat and look through my notes?
 24 MR. KESHAVARZ: All right. Sounds
 25 good.

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1 J. GUZMAN
 2 MR. GROSSMAN: I don't have
 3 anything further.
 4 MR. KESHAVARZ: Okay.
 5 EXAMINATION BY
 6 MR. LICHTMAN:
 7 EXAMINATION
 8 Q. Good afternoon. Again, my name is
 9 Jeffrey Lichtman. I represent Samserv and
 10 Mr. Mlotok in this case. I'm going to ask
 11 you some questions.
 12 You're still under oath; you
 13 understand that?
 14 A. Okay.
 15 Q. And if there is any question that
 16 you don't understand ask me to explain it,
 17 and I'll try my best to clarify.
 18 A. Very good.
 19 Q. Okay. And I might go over a
 20 little bit some of the questions that were
 21 asked before in order to just lay a
 22 foundation for asking more about that topic.
 23 A. You can ask me anything you would
 24 like.
 25 Q. Thank you.

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1 J. GUZMAN
 2 So going back on your educational
 3 history you said before that you attended
 4 high school in the Dominican Republic,
 5 correct?
 6 A. Yeah, secondary school, and I
 7 didn't get to finish, not -- not completely.
 8 Q. So how many years of secondary
 9 school did you attend?
 10 A. Eight years.
 11 Q. Did you attend any courses of any
 12 type after the eighth grade?
 13 A. No.
 14 Q. In Puerto Rico, did you have any
 15 formal education?
 16 A. No, no.
 17 Q. And when you moved from Puerto
 18 Rico, you moved directly to New York?
 19 A. No. I went to New Jersey.
 20 Q. Because I believe you said before
 21 that you came to New York in 1993. So let's
 22 just take it step by step.
 23 I understand that you moved from
 24 the Dominican Republic to Puerto Rico in
 25 1990; is that right?

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1 J. GUZMAN
 2 A. Yes.
 3 Q. After you moved from Puerto Rico,
 4 you moved to New Jersey?
 5 A. I went to New Jersey.
 6 Q. Where in New Jersey?
 7 A. Passaic.
 8 Q. How long did you live in Passaic?
 9 A. It was about a month or month in a
 10 half, more or less.
 11 Q. And after you moved from Passaic,
 12 where did you move?
 13 A. 580 West 162nd Street, New York,
 14 New York.
 15 Q. In Manhattan?
 16 A. Yes.
 17 Q. And this was an apartment?
 18 A. Apartment.
 19 Q. Do you remember the apartment
 20 number?
 21 A. 5-E.
 22 Q. So just to back up again, when did
 23 you first get married?
 24 A. The first time I got married?
 25 Q. Yes.

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1 J. GUZMAN
 2 A. In 1990 in Puerto Rico.
 3 Q. And your birthday is what? When
 4 is your birthday?
 5 A. 4/5/68. 04/05/68.
 6 Q. Is that April 5th or May 4th?
 7 A. April 5th.
 8 Q. April 5th, 1968?
 9 A. Yes.
 10 Q. So you were born in 1968, and
 11 first married in 1990?
 12 A. In 1968, yes.
 13 Q. You were born in 1968, and 22
 14 years later, in 1990, you got married; is
 15 that right?
 16 A. I got married.
 17 Q. Okay. What was the name of that
 18 wife?
 19 MR. KESHAVARZ: Objection to the
 20 form of the question. What's the
 21 relevance of his first wife's name?
 22 Q. You can answer.
 23 MR. KESHAVARZ: That's getting
 24 into very personal matters.
 25 MR. LICHTMAN: The name of a wife?

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1 J. GUZMAN
 2 MR. KESHAVARZ: In 1990, what does
 3 that have to do -- wait, wait.
 4 MR. LICHTMAN: Please.
 5 MR. KESHAVARZ: But I will let you
 6 answer.
 7 MR. LICHTMAN: Thank you for your
 8 graciousness.
 9 MR. KESHAVARZ: You're welcome.
 10 A. I don't remember that anymore. I
 11 don't remember.
 12 Q. How long you were married to her?
 13 A. Five years.
 14 Q. Five years, and you don't remember
 15 her name?
 16 A. I don't remember. It's passed
 17 already. I don't remember.
 18 Q. So you lived with her in Passaic;
 19 is that right?
 20 A. No, I didn't live in Passaic with
 21 her.
 22 Q. You got married in 1990, and you
 23 then the marriage ended about five years
 24 later?
 25 A. Yes.

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1 J. GUZMAN
 2 Q. How long did you live together
 3 with your first wife?
 4 MR. KESHAVARZ: Objection to the
 5 form of the question.
 6 A. Together, we lived four years.
 7 But I had asked for her to come.
 8 Q. What do you mean by you asked for
 9 her to come?
 10 MR. KESHAVARZ: Objection to the
 11 form of the question. Why is this not
 12 getting abusive? What is the relevance
 13 of anything about this, how long he was
 14 together with the first one?
 15 MR. LICHTMAN: Are you directing
 16 him not to answer?
 17 MR. KESHAVARZ: I'm asking you a
 18 question.
 19 MR. LICHTMAN: Are you taking the
 20 position it's abusive?
 21 MR. KESHAVARZ: Well, if you
 22 provide me a basis --
 23 MR. LICHTMAN: I don't need to
 24 provide you --
 25 MR. KESHAVARZ: I let the last

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1 J. GUZMAN
 2 couple go, but how long he lived with
 3 his first wife is getting very far
 4 afield of anything.
 5 MR. LICHTMAN: This is --
 6 MR. KESHAVARZ: Wait.
 7 If you can translate --
 8 MR. GROSSMAN: Translate this long
 9 speaking objection for him.
 10 MR. LICHTMAN: Let's do it. We're
 11 going to call the judge in a few
 12 minutes.
 13 MR. KESHAVARZ: That's fine.
 14 A. I don't understand what he's
 15 asking, just because this a private thing.
 16 It happened awhile ago.
 17 MR. KESHAVARZ: Exactly. Well --
 18 MR. GROSSMAN: What do you mean,
 19 "exactly"? He's just repeating what you
 20 told him.
 21 MR. LICHTMAN: I am just trying to
 22 find out for the record -- I'm trying to
 23 find out the man's history, basic
 24 history.
 25 MR. KESHAVARZ: But for what?

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1 J. GUZMAN
 2 entitled to ask him about a prior
 3 marriage that has to only do with the
 4 facts. You're not even letting me ask
 5 the name and the dates and where he
 6 lived beforehand.
 7 MR. KESHAVARZ: You asked that,
 8 and he answered that.
 9 MR. LICHTMAN: No, I'm sorry. You
 10 had told him -- let him answer.
 11 MR. KESHAVARZ: You're getting
 12 really close to -- you're getting very
 13 extremely close to being abusive. So
 14 what's the question?
 15 MR. LICHTMAN: I am not even in
 16 the same county as being abusive.
 17 MR. KESHAVARZ: So you want it for
 18 background.
 19 What's the question on the table?
 20 MR. LICHTMAN: Can you read my
 21 last question, please?
 22 (Whereupon, the requested question
 23 was read back by the Court Reporter.)
 24 MR. KESHAVARZ: This is the last
 25 question I'm going to allow on this line

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1 J. GUZMAN
 2 MR. LICHTMAN: I'm interested in
 3 finding out the person's educational
 4 history, personal history.
 5 MR. KESHAVARZ: You asked that.
 6 MR. LICHTMAN: Work history.
 7 MR. KESHAVARZ: You asked that.
 8 MR. LICHTMAN: I'm in the process
 9 of asking. I'm sorry. If you object to
 10 any more questions on this -- you can
 11 object. And if we need to call the
 12 judge because I'm not allowed to ask him
 13 about the previous people who have lived
 14 together with him, and who might have
 15 some personal information about him, or
 16 might have some relevance with regard to
 17 his emotional state at different times.
 18 MR. KESHAVARZ: In 1990?
 19 MR. LICHTMAN: This is the first
 20 --
 21 MR. KESHAVARZ: Wait.
 22 MR. LICHTMAN: Listen, you've had
 23 plenty of opportunity to meet with your
 24 client. I have one opportunity to ask
 25 your client questions. I am certainly

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1 J. GUZMAN
 2 of testimony.
 3 You may answer.
 4 MR. LICHTMAN: You haven't even
 5 heard my next question.
 6 A. Yeah. I didn't ask for her to
 7 come. I brought her. I got money, so that I
 8 could bring her over.
 9 Q. When did she come over?
 10 MR. KESHAVARZ: Objection.
 11 A. I don't remember.
 12 Q. Did she live with you at
 13 162nd Street in New York?
 14 MR. KESHAVARZ: Objection to the
 15 form of the question.
 16 A. I don't remember.
 17 Q. How long did you live at
 18 West 162nd Street in New York?
 19 A. I don't remember.
 20 Q. Was it more than one year?
 21 A. I don't remember.
 22 Q. Was it more than ten years?
 23 A. I don't remember.
 24 Q. Where did you live after you moved
 25 from 162nd Street?

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1 J. GUZMAN
 2 A. I don't remember.
 3 Q. When did you move into your Valley
 4 Stream address on Euclid Street?
 5 A. I don't remember.
 6 Q. How long have you lived at the
 7 Valley Stream address?
 8 A. I don't remember.
 9 MR. KESHAVARZ: I think it --
 10 let's take a break. We're going off the
 11 record. And I don't appreciate you
 12 rolling your eyes at my client's
 13 testimony.
 14 MR. GROSSMAN: What testimony?
 15 (Recess taken.)
 16 MR. KESHAVARZ: Back on the
 17 record.
 18 My client would like to amend his
 19 testimony to the last answer about his
 20 address, how long he's lived at his
 21 current address.
 22 You would like to amend your
 23 testimony?
 24 THE WITNESS: Yes.
 25 MR. KESHAVARZ: How long have you

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1 J. GUZMAN
 2 lived at your current address?
 3 THE WITNESS: What was the last
 4 one?
 5 MR. KESHAVARZ: The last one was
 6 about how long have you lived at your
 7 current address.
 8 THE WITNESS: Six years.
 9 MR. KESHAVARZ: Before then, do
 10 you recall where you lived, if you
 11 recall?
 12 THE WITNESS: Before I lived
 13 there, I lived in the Bronx.
 14 Q. When did you move to Valley
 15 Stream?
 16 MR. LICHTMAN: Could you just read
 17 back the answer?
 18 A. Not exactly the amount of years,
 19 that I remember. I don't remember exactly.
 20 It's about six years.
 21 Q. So you moved to Valley Stream in
 22 approximately 2011; is that right?
 23 A. Yes.
 24 Q. And your current's wife's name is
 25 Lara?

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1 J. GUZMAN
 2 A. Yes.
 3 Q. When did you marry her?
 4 A. We got married in 2010.
 5 Q. Did you live with her before 2010?
 6 A. No.
 7 Q. When did you meet her?
 8 MR. KESHAVARZ: Objection. Form.
 9 A. We got to know each other at work.
 10 Q. Which work was that?
 11 A. In Foodtown. In the store. It
 12 was Fine Fare before, and then they changed
 13 name.
 14 Q. Okay. So you got to know -- you
 15 met her when the Foodtown was called Fine
 16 Fare?
 17 A. When Fine Fare changed to
 18 Foodtown.
 19 Q. Okay. So what I'd like to do now
 20 is go backward in your work history to find
 21 out when you were at different places, if we
 22 can, okay?
 23 MR. KESHAVARZ: Objection. Form.
 24 Asked and answered.
 25 Q. You currently work where?

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1 J. GUZMAN
 2 A. Foodtown now.
 3 Q. In the Bronx?
 4 A. Yes.
 5 Q. What's the address?
 6 A. 3471 Boston Road.
 7 Q. You don't have a car, right?
 8 MR. KESHAVARZ: Objection to the
 9 form of the question.
 10 A. No.
 11 Q. You don't own a car?
 12 A. I don't own a car. I don't own
 13 the car.
 14 Q. How do you get back and forth to
 15 work?
 16 A. I go in my wife's car.
 17 Q. Does she travel with you?
 18 A. No.
 19 Q. How long have you worked at
 20 3471 Boston Road at that Foodtown?
 21 A. When I went back to work again, it
 22 would be a year now.
 23 Q. Approximately.
 24 A. Yes.
 25 Q. Okay. So from sometime in 2016

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1 J. GUZMAN
 2 until now?
 3 A. Yes.
 4 Q. Before Foodtown on Boston Road,
 5 you worked where?
 6 A. Sansone. I don't remember well.
 7 He told me a while ago. Sansone.
 8 Q. What type of business --
 9 A. Sansone. I'm sorry. I'm
 10 confused. La Marca Sansone.
 11 Q. What type of work did you do there
 12 at La Marca Sansone?
 13 A. I was a helper to a driver, and
 14 they were going to put me to make deliveries.
 15 Q. How long did you work at La Marca
 16 Sansone?
 17 A. It was approximately three weeks,
 18 more or less. I don't remember exactly.
 19 Q. Where did you work before La Marca
 20 Sansone?
 21 A. Roosevelt.
 22 Q. That's AC Roosevelt?
 23 A. Yes.
 24 Q. How long were you at AC Roosevelt?
 25 A. A month and a half, more or less.

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1 J. GUZMAN
 2 Q. That still would be in 2016?
 3 A. I think so, yes.
 4 Q. Before AC Roosevelt, where did you
 5 work?
 6 A. I worked in the C-Town
 7 Supermarket, also, in Greenpoint.
 8 Q. How long did you work at C-Town in
 9 Greenpoint?
 10 A. About two months.
 11 Q. Was that also in 2016, or maybe
 12 2015?
 13 A. I don't remember well.
 14 Q. What type of work did you do in
 15 AC Roosevelt?
 16 A. Assistant to the manager. One
 17 second. Can you ask the question again?
 18 Q. Sure. What type of work did you
 19 do when you were working at AC Roosevelt?
 20 A. Manager. I was a manager there.
 21 Q. And at C-Town -- what was your job
 22 at C-Town?
 23 A. Assistant to manager.
 24 Q. Where did you work before you
 25 worked at C-Town?

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1 J. GUZMAN
 2 A. Before C-Town, I worked -- there
 3 was something where I jumped because I worked
 4 at Siena Marble, and it was before C-Town.
 5 But I'm a little confused with everything
 6 you've asked me.
 7 Yeah, everything was very close,
 8 because I then go back to the Bronx. I
 9 didn't really concentrate on a job, and
 10 that's where I was in many different places.
 11 Q. In the Bronx, you were in many
 12 different places?
 13 A. No, no. In Queens and in
 14 Brooklyn.
 15 Q. So when you were at Siena Marble,
 16 what was your job at Siena Marble?
 17 A. I drove a truck.
 18 Q. How long did you work at Siena
 19 Marble?
 20 A. One year, I think --
 21 Q. And what --
 22 A. -- or more. I don't remember
 23 exactly the amount of time.
 24 Q. What was your title at Siena
 25 Marble?

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1 J. GUZMAN
 2 A. I drive a truck.
 3 Q. So you were a driver, or did you
 4 have a specific name? A delivery person?
 5 A. Delivery man.
 6 Q. When you would drive the truck to
 7 do deliveries, were you the only person on
 8 the truck, or were there sometimes more than
 9 one person?
 10 A. I was alone.
 11 Q. Was that the only job you did at
 12 Siena Marble?
 13 A. Yes.
 14 Q. Who was your boss at Siena Marble?
 15 A. Pablo Comuzzi was the boss there
 16 at Siena Marble.
 17 Q. Comuzzi?
 18 A. Yes.
 19 Q. What was his job?
 20 A. His job?
 21 Q. Yes, what was his job at Siena
 22 Marble?
 23 A. He was the president, the
 24 representative of the company.
 25 Q. So would he give you your

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1 J. GUZMAN
2 assignments every day?
3 A. Yes. There was a person under him
4 who would send me with the orders for a
5 delivery.
6 Q. Who was that person?
7 A. Saul.
8 Q. Is Saul the first name?
9 A. First name.
10 Q. What's his last name?
11 A. I think it's Cantana.
12 MR. KESHAVARZ: The person was
13 identified in the disclosures for the
14 spelling and address and so forth.
15 MR. LICHTMAN: Yeah, let's just
16 take a look.
17 I just want to mark this now as
18 Exhibit Number 12.
19 (Whereupon, the aforementioned
20 Plaintiff's Fourth Amended Rule 26(a)(1)
21 Disclosure was marked as Defendants'
22 Exhibit 12 for identification as of this
23 date by the Reporter.)
24 MR. LICHTMAN: And I represent
25 this is the Plaintiff's Fourth Amended

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1 J. GUZMAN
2 Rule 26(a)(1) Disclosure, which was
3 handed to us today upon request at the
4 beginning of the deposition, and was
5 served on us at 11:44 by e-mail.
6 Q. Have you ever seen this document
7 before, sir?
8 MR. KESHAVARZ: Objection to the
9 form. He doesn't read English.
10 If you know.
11 MR. LICHTMAN: You know you would
12 object if I don't show him the document,
13 and you'll object if do him show him the
14 document. So I'm giving you the benefit
15 of the doubt to see whether or not he's
16 seen it before.
17 MR. KESHAVARZ: Whatever.
18 If you know the answer, you may
19 answer.
20 A. Yes.
21 Q. So when have you seen this
22 document?
23 A. That document, I saw it when they
24 sent the letters to my employer.
25 Q. Okay. So let me just -- I guess

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1 J. GUZMAN
2 just for clarity, it says on the last page of
3 the document that this was served on July 20,
4 2016.
5 MR. KESHAVARZ: July?
6 MR. LICHTMAN: Well, not only
7 July. It's 2016. So I just wanted to
8 --
9 MR. KESHAVARZ: So it was e-mailed
10 to you this morning. Sorry about that.
11 MR. LICHTMAN: I just want to make
12 sure for the purposes of making sure we
13 have the right record that Exhibit 12
14 was actually served on June 14, 2017,
15 not July 20, 2016, right?
16 MR. KESHAVARZ: That's right.
17 MR. LICHTMAN: Okay.
18 Q. And this includes the name of
19 Mr. Cantana; is that right?
20 A. Yes.
21 Q. So you've known Mr. Cantana since
22 you worked at Siena Marble, right?
23 A. Yes.
24 Q. That was in approximately 2015; is
25 that right?

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1 J. GUZMAN
2 A. Yes.
3 Q. So I just want to show you
4 Plaintiff's Second Amended Initial Disclosure
5 Answers, which came to us by e-mail dated
6 November 7, 2016.
7 MR. LICHTMAN: Let's mark this as
8 Exhibit 13, please.
9 MR. KESHAVARZ: Do you have a copy
10 for me?
11 MR. LICHTMAN: I do.
12 (Whereupon, the aforementioned
13 Plaintiff's Second Amended Initial
14 Disclosure Answers was marked as
15 Defendants' Exhibit 13 for
16 identification as of this date by the
17 Reporter.)
18 Q. Now, you see how in Exhibit 12
19 that Mr. Cantana is listed on the same page
20 where Mr. Caballero is listed, you see this?
21 MR. KESHAVARZ: If you --
22 What exhibit? Excuse me.
23 MR. LICHTMAN: Exhibit 12.
24 Q. Looking on the second page, or the
25 -- the second page --

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1 J. GUZMAN
 2 MR. KESHAVARZ: The second page of
 3 the exhibit, not the --
 4 MR. LICHTMAN: I'm sorry. I am --
 5 I'm looking at Exhibit 12 on the second
 6 page, the Fourth Amended.
 7 MR. KESHAVARZ: The Fourth Amended
 8 Disclosures. Okay.
 9 MR. LICHTMAN: The ones we got
 10 this morning.
 11 MR. KESHAVARZ: Yes.
 12 MR. LICHTMAN: Okay.
 13 Q. Please take a look and you see
 14 that Mr. Cantana's name is listed where you
 15 have Mr. Caballero also listed on the same
 16 page?
 17 A. Okay.
 18 Q. And it's also listed on the same
 19 plage as Mr. Eduardo Sanchez Solsona; you see
 20 that?
 21 A. Um-hum.
 22 Q. Okay. Now, I'd like you to look
 23 at Exhibit 13, which is the -- I'd like to
 24 direct your attention to the third page, and
 25 you see that we have Mr. Caballero listed

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1 J. GUZMAN
 2 it says.
 3 What's your question?
 4 Q. So in -- just also to be clear,
 5 this was served on November 7, 2016, even
 6 though the Certificate of Service on this
 7 document also says July 20, 2016, can we
 8 stipulate to this that this was served on
 9 November 7th, 2016 and not July 20th, 2016?
 10 MR. KESHAVARZ: It appears to be
 11 since the e-mail says it's the Second
 12 Amended Disclosure.
 13 Q. Okay. On November 7th, 2016, did
 14 you know Mr. Cantana?
 15 A. Yes.
 16 Q. And I'd like to show you now the
 17 First Amended Initial Disclosure.
 18 MR. LICHTMAN: And we can mark
 19 this with the next sequential number,
 20 which is 14.
 21 Exhibit 14 is the e-mail from
 22 Ms. Moody at Mr. Keshavarz's office to
 23 counsel for Defendants with a CC to
 24 Mr. Keshavarz, and the e-mail is dated
 25 October 31, 2016, saying that it is

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1 J. GUZMAN
 2 here --
 3 A. Yeah.
 4 Q. -- and Mr. Sanchez Solsona is
 5 listed here?
 6 A. Okay.
 7 Q. Is Mr. Cantana listed here?
 8 MR. KESHAVARZ: Objection to the
 9 form of the question. He doesn't read
 10 English.
 11 But if you can recognize that,
 12 then go ahead and answer.
 13 Q. Can you read English letters and
 14 English words?
 15 MR. KESHAVARZ: Objection.
 16 Objection to the form of the question.
 17 Q. In other words, you can see here
 18 that this says "Franciso Caballero"?
 19 A. Yes.
 20 Q. Okay. Thank you.
 21 So can you see whether or not it
 22 refers to Mr. Cantana on this page?
 23 MR. KESHAVARZ: The paper says
 24 that -- his name is not listed. I'll
 25 stipulate to that. The paper says what

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1 J. GUZMAN
 2 attaching Plaintiff's First Amended
 3 Initial Disclosures, and the
 4 accompanying that document is the First
 5 Initial Amended Disclosures.
 6 Can you translate that?
 7 (Interpreter translated Exhibit 14
 8 description.)
 9 MR. LICHTMAN: We're marking as
 10 Exhibit 14 the e-mail that we received
 11 from Jessica Moody, who works with
 12 Mr. Keshavarz, sending to the counsel
 13 for the defendants the Plaintiffs
 14 Amended Initial Disclosures. And the
 15 e-mail is dated October 31, 2016.
 16 We'll give this to the court
 17 reporter so he can mark it.
 18 (Whereupon, the aforementioned
 19 First Amended Initial Disclosures, was
 20 marked as Defendants' Exhibit 14 for
 21 identification as of this date by the
 22 reporter.)
 23 Q. So turn to Page 2 of Exhibit 14 of
 24 the -- actually, turn to the second page of
 25 the actual disclosure.

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1 J. GUZMAN
 2 You see that Mr. Sanchez Salsona
 3 is referred to there?
 4 A. Right.
 5 Q. And you see that Mr. Caballero is
 6 referred to there as well?
 7 A. Yes.
 8 Q. Is Mr. Cantana referred to in
 9 this?
 10 MR. KESHAVARZ: Stipulate
 11 Mr. Cantana's name is not there. The
 12 document speaks for itself.
 13 What's the next question?
 14 Q. In October 2016, you knew
 15 Mr. Cantana, right?
 16 A. Yes.
 17 MR. LICHTMAN: And, again, just
 18 for the record, just for the sake of
 19 accuracy, the Certificate of Service on
 20 this also indicates July 20, 2016.
 21 I just would like counsel to
 22 stipulate that this was served on
 23 October 31, 2016.
 24 MR. KESHAVARZ: Based on the
 25 e-mail attached to the first page, it

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1 J. GUZMAN
 2 appears to be, yes.
 3 MR. LICHTMAN: Okay. Thank you.
 4 Q. And what was Mr. Cantana's job at
 5 Siena Marble?
 6 A. He was a manager. The dispatcher.
 7 Q. I apologize if you answered this
 8 already, but why did you leave Siena Marble?
 9 Why did you stop working at Siena Marble?
 10 A. I couldn't drive the truck. I was
 11 very stressed out to the point where I could
 12 have an accident.
 13 Q. And when did you leave working
 14 Siena Marble? When did you stop?
 15 A. When I left is when I decided that
 16 I have to stop working. I couldn't work
 17 anymore.
 18 Q. Was it in 2016, '15?
 19 A. I don't remember the exact date.
 20 I don't remember the date.
 21 Q. Did you -- when you left Siena
 22 Marble, did you speak to anybody about your
 23 reasons?
 24 MR. KESHAVARZ: Objection.
 25 Objection.

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1 J. GUZMAN
 2 Go ahead.
 3 A. I don't understand the question.
 4 Q. When you decided -- well, how did
 5 you advise people at Siena Marble that you
 6 were going to be leaving the job?
 7 A. I didn't tell them really that I
 8 was leaving. They saw me very tense, and I
 9 said I couldn't continue working. "I'm at
 10 the point where I'm going to have an
 11 accident." And then they said, "Okay."
 12 Q. How much notice did you give them?
 13 A. I give them two occasions.
 14 Q. "Two occasions," I'm not sure what
 15 that means.
 16 Could you explain?
 17 A. I told them on two occasions that
 18 I was going to go to find another chauffeur
 19 for the truck.
 20 Q. How long did it take you to find
 21 someone else to drive the truck?
 22 A. I don't remember the amount of
 23 time. I stayed there until someone appeared.
 24 Q. Was the time that you left more
 25 than a few days after you gave them your

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1 J. GUZMAN
 2 second notice that you wanted to leave?
 3 MR. KESHAVARZ: Objection. Form.
 4 A. I don't remember well. I don't
 5 remember.
 6 Q. And who did you tell that you
 7 wanted to leave the job?
 8 A. I told my boss, my boss, the one
 9 who gave me the job. Pablo. Yes.
 10 Q. Did you tell him why you wanted to
 11 leave the job?
 12 A. Yep. I told him on one occasion
 13 that I was very tense, that I was very
 14 stressed. I was driving in fear.
 15 Q. And did you tell anybody else?
 16 A. No.
 17 Q. So how long was it between the
 18 time you left Siena Marble and the time you
 19 started working at C-Town?
 20 A. No, no. In C-Town, no. I worked
 21 in C-Town before Siena Marble.
 22 Q. Okay. So where did you work after
 23 Siena Marble? Was it AC Roosevelt?
 24 A. No. That was after Siena Marble.
 25 Q. Right. After Siena Marble, what

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1 J. GUZMAN
 2 was your next job?
 3 A. I don't remember. I had a lot of
 4 jobs. I don't remember.
 5 Q. Was it in the Bronx?
 6 A. No. In Queens.
 7 Q. So you worked somewhere in Queens
 8 after you left Siena Marble?
 9 A. No. Before Siena Marble, I worked
 10 in a few places in Queens.
 11 Q. Okay. So let's -- the question
 12 I'm asking is: After you stopped working at
 13 Siena Marble, was your next job, whatever it
 14 was, in Queens?
 15 A. Yes.
 16 Q. So what do you remember that job
 17 being?
 18 A. They said that they didn't treat
 19 me too well because of my mistake of freezer
 20 got damaged.
 21 Q. But what job was that?
 22 A. AC Roosevelt.
 23 Q. So they say that you damaged the
 24 freezer?
 25 A. Yeah, because it was my fault.

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1 J. GUZMAN
 2 ice cream, all the vegetables were damaged.
 3 The boss got angry at me thinking
 4 it was my fault, because I didn't close the
 5 refrigerator. But the people were always
 6 fixing the freezer, and they tell them they
 7 would have to, you know, change the freezer.
 8 Q. What was the name of your boss in
 9 AC Roosevelt?
 10 A. Antonio Collado, his name.
 11 Q. Antonio Collado, C-O-L-L-A-D-O?
 12 A. I believe it's spelled
 13 C-O-L-L-A-D-O.
 14 Q. Is that the correct spelling, as
 15 you understand it?
 16 A. Yes, yes, C-O-L-L-A-D-O.
 17 Q. Where was AC Roosevelt located in
 18 Queens? Where was it located?
 19 A. I don't remember the address. I
 20 don't remember.
 21 Q. What was the neighborhood?
 22 A. The name of the --
 23 Q. The name of the neighborhood.
 24 Was it Elmhurst or Kew Garden
 25 Hills?

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1 J. GUZMAN
 2 Q. It was. Okay.
 3 A. I was supposed to check the
 4 refrigerator before closing the store.
 5 Q. What type of store was it?
 6 A. Supermarket.
 7 Q. So, in your mind, was the damage
 8 to the freezer your fault?
 9 A. No. It was an old freezer
 10 already, and people were saying, you know,
 11 "You got to change the freezer. You got to
 12 change the freezer. It's going to break
 13 down."
 14 The person who worked the freezer
 15 said it needed to be changed, and nobody paid
 16 attention to it.
 17 Q. What's the name of that person?
 18 A. Which person?
 19 Q. The person who said that the
 20 freezer had to be changed.
 21 A. The people who worked in the
 22 freezer. Yeah. The -- and the door that you
 23 open and close, it always got full of ice,
 24 and the door then didn't close well. And one
 25 day in the morning I opened the store all the

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1 J. GUZMAN
 2 A. Sunnyside. I think it's
 3 Sunnyside.
 4 Q. How did you get to AC Roosevelt?
 5 Did you live in Valley Stream at that time?
 6 A. Valley Stream.
 7 Q. So how did you get from Valley
 8 Stream to your job at AC Roosevelt?
 9 A. In a car.
 10 Q. This was whose car?
 11 A. My wife's car.
 12 Q. Who drove?
 13 A. I did.
 14 Q. You drove back and forth to work
 15 every day?
 16 A. Yes.
 17 Q. And that was a five-day-a-week job
 18 or more?
 19 A. Six days.
 20 Q. And after you left AC Roosevelt,
 21 where did you work next?
 22 A. La Marca Sansone.
 23 Q. Okay. And that is located?
 24 A. Jericho Turnpike.
 25 Q. Jericho Turnpike in Garden City?

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J. GUZMAN

A. In Garden City.

(Whereupon, there was a discussion off the record.)

Q. So then you worked in Garden City.

How did you get back and forth from Valley Stream to Garden City on your job at Sansone?

A. In a car.

Q. And you drove?

A. Yes.

Q. When you went to AC Roosevelt in the car, was anybody else in the car with you?

A. No.

Q. You went back and forth by yourself?

A. Yes.

Q. When you went back and forth from Valley Stream to Garden City, did you have any passengers in the car with you?

A. No.

Q. So you went by yourself in the car then?

A. Yes.

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J. GUZMAN

Q. Are you taking any medication now, sir, any type of medicine at all?

MR. KESHAVARZ: Objection to the form of the question.

A. Sometimes I have to take Motrin because of pain in the back, but I really don't take any medication.

Q. How long have you had pain in the back that you need to take Motrin for?

A. Sometimes it could be how I'm sleeping.

Q. Do you take any medicine other than Motrin?

MR. KESHAVARZ: Objection. Form.

A. No.

Q. In the last five years, have you taken any medicine that was prescribed to you by a doctor?

MR. KESHAVARZ: Objection to the form of the question.

A. No.

Q. You talked before about a car accident that you were in where somebody hit the rear of your car; do you remember that?

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A. Yes.

Q. Approximately, when did that happen, that car accident?

A. In 2010. I don't know what month.

Q. Where did the accident take place?

A. Manhattan.

Q. Who were you working for at the time?

A. For the same owner I'm working right now. Same place.

Q. Okay. So that's Foodtown?

A. Yes. Fine Fare before.

Q. So let's go back to the history of your employment.

MR. KESHAVARZ: For the third time.

MR. LICHTMAN: No, not for the third time. I'm trying to make sure that we get it. We find out very often that things that were before were after and things that were after were before.

MR. KESHAVARZ: I know. You've asked three times.

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Q. Now, you said you worked at Foodtown at 1304 Boston Road?

No, no, I'm sorry. Strike that.

You said you worked at a grocery at 1304 Boston Road?

A. Yes.

Q. And when did you work for that grocery?

A. I don't remember the dates. I think it was 2001 to 2004.

Q. What was your job there?

A. I was the manager there.

Q. As a manager, what were your responsibilities?

A. The responsibility was for me to attend to the store.

Q. Opening and closing the store?

A. Yes.

Q. So one of your jobs was to open and close the store.

You were also responsible for ordering produce for the store?

A. Yes.

Q. And you would order inventory for

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1 J. GUZMAN
 2 the store?
 3 A. Yes.
 4 Q. Would you have been responsible
 5 for paying bills?
 6 A. Yes.
 7 Q. Who owned the store; do you
 8 remember?
 9 A. I was the owner of the store. I
 10 was the management.
 11 Q. So you owned the store at
 12 1304 Boston Road?
 13 A. Yes.
 14 Q. So you paid rent for that spot?
 15 A. Yes.
 16 Q. And if items came into that store,
 17 they would often have to be paid for you?
 18 A. Of course.
 19 Q. You would be responsible for
 20 making sure that the bills would be paid?
 21 A. Yes.
 22 Q. And you would be responsible for
 23 going through the mail?
 24 A. Yes.
 25 Q. In connection with paying the

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1 J. GUZMAN
 2 bills, did you have any bank accounts that
 3 you would use to pay those bills?
 4 A. Not to pay. Not to pay.
 5 Q. Did you use a bank account for
 6 deposit?
 7 A. For deposit, yes, I had an
 8 account.
 9 Q. Did you have an account at Chase?
 10 A. Yes.
 11 Q. And did you ever use a credit card
 12 to pay for things in the store?
 13 A. No, I didn't use a credit card. I
 14 used debit cards. Everything I bought for
 15 that store was with a debit card or cash.
 16 Q. For your personal accounts,
 17 separate from the store, did you have any
 18 accounts at Chase at that time?
 19 MR. KESHAVARZ: Just wait for the
 20 translator.
 21 Q. Okay. Just to make sure that's
 22 clear, your personal accounts, apart from the
 23 store accounts, were with Chase at that time?
 24 A. Yeah, a personal account. I had a
 25 Chase account.

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1 J. GUZMAN
 2 Q. And that included a Chase credit
 3 card for you personally?
 4 MR. KESHAVARZ: Objection.
 5 Objection to the form of the question.
 6 A. I had a personal account, yes.
 7 Q. How many employees did you have --
 8 strike that.
 9 So you rented the store, you were
 10 the manager and the owner.
 11 Did you have employees?
 12 A. No. I had a boy that would help
 13 me sometimes.
 14 Q. Now, you say that you were at this
 15 grocery store from about 2001 until 2004 --
 16 MR. KESHAVARZ: Objection to the
 17 form of the question.
 18 MR. LICHTMAN: Actually, we're at
 19 a comma in the question, and he was just
 20 translating --
 21 MR. KESHAVARZ: You're right.
 22 You're right.
 23 MR. LICHTMAN: We'll get to the
 24 question mark soon.
 25 Q. In 2004, approximately, did you

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1 J. GUZMAN
 2 close the store or sell the store or do
 3 something else?
 4 MR. KESHAVARZ: Objection to the
 5 form.
 6 A. I tried not to close it. I sold
 7 it to someone.
 8 Q. And do you remember who you sold
 9 it to?
 10 A. No, I don't remember.
 11 Q. Okay. Where were you living at
 12 the time you owned the store at 1304 Boston
 13 Road?
 14 A. 379 Roosevelt Avenue.
 15 Q. That's in Queens?
 16 A. 1339 Prospect Avenue.
 17 Q. 1339 Prospect Avenue; is that
 18 correct?
 19 A. Yes.
 20 Q. In the Bronx?
 21 A. In the Bronx.
 22 Q. Were you living alone at that
 23 address?
 24 A. No. I lived there with a
 25 girlfriend I had, and with her I had two

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children.

Q. When did you move from 1339 Prospect Avenue, approximately?

A. Around 2005. I don't remember exactly whether it was the end of '04.

Q. So sometime at the end 2004, or the beginning of 2005 you moved from Prospect Avenue?

A. Yes.

Q. Where did you move to?

A. I rented in Brooklyn. I moved to Brooklyn.

Q. Where in Brooklyn?

A. It was a very short time that I lived there. I don't remember the address. Then I returned to the Bronx.

Q. In 2005?

A. In the same, 2005.

Q. When you returned to the Bronx in 2005, where did you live?

A. I don't remember exactly. It was 735 163rd Street.

Q. And when you say you don't remember exactly, you mean you're not sure

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that was the address?

A. I don't remember exactly.

Q. But it was somewhere around that neighborhood?

A. Yes.

Q. How long were you at that address?

A. Two years, more or less.

Q. Was that an apartment?

A. A studio.

Q. Was anybody living with you at that time?

A. My brother.

Q. What's your brother's name?

A. Juan Guzman.

MR. KESHAVARZ: I'm sorry. What was that address in the Bronx?

MR. LICHTMAN: I have 73500 163rd.

Q. Okay. Let me ask you again.

When you were at this neighborhood in the -- at this address in the Bronx for about two years -- well, let me ask you this, then: Do you remember more precisely what the address was where you were living in the Bronx with your brother?

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A. I don't remember well. I don't remember well.

Q. Do you remember the name of the neighborhood it was in?

A. I think it was Forest Houses. There was a crossing street called Tinton.

Q. You lived there from approximately 2005 to approximately 2007?

A. I lived there approximately from 2005 until 2010, because 2010 is when I got married, and I went to Valley Stream to live.

Q. Okay. When did you meet your wife? What year?

A. I met her about three years before we got married. She worked with me. One day I fell in love with her, and I got married.

Q. You were working together in the same Foodtown store when you met?

A. That was Fine Fare before, and my boss has three stores, to be clear. The same company as Fine Fare, and there was one store that he named C-Market. That signifies Christian Market, because he's Christian, but it's the same chain as Fine Fare. Now they

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are all Foodtown.

Q. Okay. In 2007, what address were you working at?

A. I don't remember well. I started working at White Plains Road. I don't remember the name.

Q. So one of these three stores was located at White Plains Road?

A. Yes, sir.

Q. And was that in the Bronx or in Westchester?

A. In the Bronx.

Q. Okay. And the other two locations were where?

A. One is at 132 in Manhattan.

Q. 132nd Street?

A. 132 Frederick Douglas in Manhattan.

Q. So by 132 Frederick Douglas, do you mean it's at the corner of Frederick Douglas and 132nd Street?

A. No. It's in the middle of the block.

Q. On Frederick Douglas?

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1 J. GUZMAN
 2 A. Yes.
 3 Q. Okay. And there's a third
 4 location?
 5 A. Yes.
 6 Q. And that's the one on Boston Road?
 7 A. Yes. That's the one where I'm at
 8 now.
 9 Q. In 2007, though, you were at 1304?
 10 A. No, no, no, no, no. That didn't
 11 exist anymore. It doesn't exist in my mind
 12 anymore. You're saying 1304.
 13 Q. I got it wrong.
 14 MR. LICHTMAN: Hold on.
 15 Q. 3471?
 16 A. 2007. I think it was White Plains
 17 Road.
 18 Q. Okay. So your job was at one of
 19 these Fine Fare or Foodtown supermarkets at
 20 White Plains Road; is that correct?
 21 A. Yes, yes.
 22 Q. And you met your wife at that
 23 location?
 24 A. Yes.
 25 Q. What was your job at that time?

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1 J. GUZMAN
 2 Q. Was there any lawsuit that was
 3 started in connection with that accident?
 4 A. Yes.
 5 Q. And where was that lawsuit filed,
 6 if you know?
 7 A. Here in Manhattan. This is
 8 Brooklyn.
 9 Q. So you were a plaintiff in that
 10 lawsuit; is that right?
 11 A. Yeah. The car was almost new, and
 12 they demolished it.
 13 Q. Did you have any injuries,
 14 personal injuries, as a result of that
 15 accident?
 16 A. Yeah. I had a problem with my
 17 disc in my back, and I had to do surgery.
 18 Q. So you had surgery on your back
 19 after the accident?
 20 A. Yes. There was a disc --
 21 dislocated disc in my back.
 22 Q. You said you received a settlement
 23 in that action; is that right?
 24 A. Yes.
 25 Q. When did you receive this

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1 J. GUZMAN
 2 A. Manager.
 3 Q. And what was her job at that time?
 4 A. Bookkeeper.
 5 Q. Just to go back again to the sale
 6 of your business in 2004, did you sign any
 7 contract to sell the business?
 8 MR. KESHAVARZ: Objection. Form.
 9 A. That I remember, no.
 10 Q. Do you remember when in 2004 you
 11 stopped having -- stopped owning the store?
 12 A. I don't remember. I don't
 13 remember exactly.
 14 Q. Was it early in the year? The
 15 middle of the year? The end of the year?
 16 A. I don't remember. I don't
 17 remember if it was at the beginning or the
 18 middle. I don't remember.
 19 Q. But at some point in 2004 you
 20 transferred the ownership?
 21 A. Yes. I sold it.
 22 Q. Let's go back to the car accident
 23 for a second, the one where you were hit in
 24 the back.
 25 A. Okay.

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1 J. GUZMAN
 2 settlement, or when did the lawsuit settle?
 3 A. I don't remember the date.
 4 Q. Was it in 2011? '12? '13?
 5 A. I think it was around '12. I
 6 don't remember well.
 7 Q. Who was your lawyer in that
 8 lawsuit?
 9 A. I don't remember.
 10 Q. Did you give a deposition in that
 11 case?
 12 A. What is that?
 13 Q. So a deposition is what we're
 14 doing today.
 15 A. No, no, no.
 16 Q. Did you claim in that lawsuit that
 17 you had any other injuries, other than your
 18 back?
 19 A. No, just the disc.
 20 Q. Have you ever seen a psychiatrist,
 21 sir?
 22 MR. KESHAVARZ: Objection. Form.
 23 A. No.
 24 Q. Let me rephrase that.
 25 Have you ever been treated by a

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1 J. GUZMAN
2 psychiatrist?
3 MR. KESHAVARZ: Objection. Form.
4 A. No.
5 Q. Have you ever been treated by a
6 psychologist?
7 MR. KESHAVARZ: Objection. Form.
8 A. No, sir.
9 Q. Other than the car accident that
10 was in 2010, were you involved in any other
11 car accidents?
12 MR. KESHAVARZ: Objection. Form.
13 A. That I remember, no.
14 Q. When you were at Siena Marble, was
15 there a time when you stopped driving for
16 them?
17 A. Yeah. I had to do it, but when I
18 stopped was when I left my job.
19 Q. Did you ever get into any
20 accidents while driving at Siena Marble?
21 A. Thank God, no, but I was to the
22 point of having one after I received the
23 letter that I owed the money.
24 Q. What happened?
25 MR. KESHAVARZ: Objection. Form.

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1 J. GUZMAN
2 me. And that's where the problem is. That's
3 where the damage was.
4 Q. Did you get into an accident?
5 A. I tell you, again, thank God, I
6 didn't have one. No, I didn't have one. God
7 was looking after me.
8 Yeah, I had to, you know, let go
9 of the truck. Of course, the car is smaller
10 and it's easier to drive.
11 Q. Did you come close to having an
12 accident while you were at Siena Marble?
13 A. Of course, yes, because I couldn't
14 sleep at night. This had me in a very bad
15 way. It had me very tense. Because in
16 reality if I did owe money, I would pay it,
17 but I don't remember owing any money to
18 anyone.
19 Yeah, and somebody affirmed in the
20 court that they gave me a letter in my hands,
21 at a commercial address where I never lived.
22 So that's what frustrated my mind. So I
23 think somebody is responsible for this.
24 MR. LICHTMAN: I move to strike
25 the nonresponsive portions of the

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1 J. GUZMAN
2 A. Yeah, because that was when I
3 wasn't well, you know. I was worried about,
4 you know, who are these people, what is this
5 money.
6 Q. Okay. But what happened in --
7 explain the incident you're talking about,
8 sir, that you were just referring to.
9 MR. KESHAVARZ: Objection to the
10 form of the question.
11 A. Yeah, because, you know, they sent
12 me this letter and, you know, I wanted to
13 know why was it, and that there was a judge.
14 And this letter never came to my hands, you
15 know, why were they doing this thing to me.
16 He didn't give me a chance to defend myself,
17 you know, to face these people.
18 Q. So I'm asking --
19 MR. KESHAVARZ: Wait.
20 Were you done?
21 A. No. The problem -- that was the
22 problem. That's what took me to the point of
23 having an accident, thinking about all of
24 this, because it was a lie. It was an ugly
25 lie, and it was -- really, you know, affected

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1 J. GUZMAN
2 answer.
3 I think this is probably a good
4 time to take a little break.
5 (Recess taken.)
6 MR. LICHTMAN: We can go back on
7 the record, please.
8 BY MR. LICHTMAN:
9 Q. You said before earlier in the day
10 that you went to the Court in the Bronx four
11 times; is that right?
12 A. Yes.
13 Q. When you --
14 MR. KESHAVARZ: Wait.
15 Were you done?
16 A. I went four times. It was very
17 frustrating because every time I went they
18 didn't find the file.
19 Q. And it was, you know, frustration
20 from all directions, and it was God who
21 helped me through it. I don't want to
22 remember. I don't want to remember.
23 MR. LICHTMAN: Move to strike the
24 nonresponsive portion of the answer.
25 Q. On the first time you went to

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1 J. GUZMAN
2 court in the Bronx, did you see anyone from
3 CLARO?
4 A. No.
5 Q. At the second time you went to
6 court in the Bronx, did you meet anyone from
7 CLARO?
8 A. No.
9 MR. KESHAVERZ: Mr. Guzman, it's
10 important for you to wait until the
11 translator finishes. I know you
12 understand a little bit of English and
13 want to jump in, but wait for the
14 translator.
15 A. No.
16 Q. On the third time you went to
17 court, did you get -- did you meet anyone
18 from CLARO?
19 A. Yes.
20 Q. So did you have any -- did you
21 sign any documents when you were there at the
22 third time?
23 A. No. No, I didn't sign, that I
24 remember, no.
25 MR. KESHAVERZ: Wait until he

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1 J. GUZMAN
2 Bronx, you say, four times to try to clear
3 that up; is that right?
4 A. Yes, sir.
5 Q. And you met with attorneys to help
6 you clear that up; is that right?
7 A. That was the third time when I
8 could have access to the file.
9 Q. And at the third time was the
10 first time you started speaking to lawyers
11 about the case?
12 A. Yeah. The third time I had gotten
13 the file, but I didn't know what to do with
14 it, so it was on the fourth time that I went
15 to CLARO for them to help me.
16 Q. Now -- so I just want to show you
17 what's been marked as Exhibit 4 already. You
18 have been shown this document earlier today.
19 Do you see here on the back, Page
20 8 of 8, is some handwriting, right? Is any
21 of that handwriting your handwriting?
22 A. I don't remember. I don't
23 remember.
24 Q. Well, I'm not asking you if you
25 remember. I'm asking if you recognize this

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1 J. GUZMAN
2 finishes.
3 Q. Did you have any meetings about
4 the -- well, strike that.
5 Let's get our terminology
6 straight.
7 You received -- your employer
8 received a notice that was asking your
9 employer to take part of your wages for a
10 judgment, right?
11 A. Yes. But part, no. It was
12 everything. Yeah. I was frustrated because
13 now they are going to hold everything, and
14 how am I going to pay, you know, my family,
15 things I have to pay. Rent.
16 MR. LICHTMAN: Move to strike the
17 nonresponsive portion.
18 Q. I'm not asking you, sir, about
19 everything you're alleging in the lawsuit.
20 I'm only asking you that at some time in 2015
21 your employer got a notice that someone
22 wanted to take part of your wages because of
23 a judgment; is that right?
24 A. Yes.
25 Q. And you went to court in the

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1 J. GUZMAN
2 handwriting as your handwriting.
3 A. I do not remember. I don't
4 remember.
5 Q. I just want to be clear here.
6 I'm not asking if you remember
7 signing the document. I'm asking if you look
8 at this handwriting, like you see where it
9 says "Valley Stream"? Do you see that?
10 You see this line, these two
11 words, "Valley Stream"?
12 A. I think it could be written by me.
13 I don't know. I don't remember.
14 Q. So you don't know one way or the
15 other if you wrote this?
16 A. It could have been me, but I don't
17 remember well. I was in a bad state. I was
18 in a bad state. I was very bad.
19 Q. So now, let's just take a look at
20 what's been marked as Exhibit 9, which is the
21 stipulation and the cover letter.
22 A. Okay.
23 Q. Okay. Now, do you remember --
24 strike that.
25 Is it your understanding that the

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1 J. GUZMAN
 2 judgment that was entered against you in the
 3 Bronx has been cleared?
 4 A. I don't understand.
 5 Q. There is a judgment that you
 6 learned about sometime in 2015, right?
 7 A. Okay.
 8 Q. And you went to see lawyers at
 9 CLARO to help you with that judgment, right?
 10 A. Yes, because I don't understand
 11 the English. They're the ones who -- they
 12 read the letter for me, and they told me what
 13 it was.
 14 Q. And they worked on your behalf to
 15 try to get rid of the judgment, right?
 16 A. They didn't help me. What they
 17 did is that they let me understand what it
 18 was. I didn't understand it.
 19 Q. Do you understand that you had
 20 some lawyers working for you who were at the
 21 Lincoln Square Legal Services?
 22 A. Maybe it happened, but, you know,
 23 I really don't remember. You know, a lot of
 24 things were going on in my head, and I was
 25 very frustrated.

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1 J. GUZMAN
 2 And the address is 150 West 65th
 3 Street, right?
 4 A. Um-hum.
 5 Q. 62nd Street?
 6 A. Yes.
 7 Q. Okay. On the ninth floor, right?
 8 A. Yes.
 9 Q. Did you ever attend that -- did
 10 you ever go to that address?
 11 A. I don't remember. Maybe I could
 12 have gone. I don't remember.
 13 Q. Do you remember any lawyer ever
 14 telling you something to the effect of "We
 15 got rid of the judgment against you in the
 16 Bronx"?
 17 A. No, I don't remember.
 18 Q. Do you believe --
 19 MR. KESHAVARZ: Wait.
 20 Were you done? Were you going to
 21 say something?
 22 A. Yes. I remember that they helped
 23 me, and the case was opened one more time.
 24 And when they opened again, that's when I
 25 could defend myself, and I had a date with

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1 J. GUZMAN
 2 Q. So I just want to show you the
 3 address on the bottom of the second page of
 4 Exhibit 9.
 5 You see there's a name, "Marcella
 6 Silverman," and there underneath her name it
 7 says, "Lincoln Square Legal Services Inc."
 8 Do you see that?
 9 A. I don't know. They helped me to
 10 understand something that I didn't
 11 understand, but I don't remember. But I
 12 don't remember what happened in that moment.
 13 MR. KESHAVARZ: Mr. Guzman, the
 14 lawyer pointed to something.
 15 Can you read what he pointed to,
 16 or are you able to --
 17 MR. LICHTMAN: I'm pointing to the
 18 name "Lincoln Square Legal Services."
 19 MR. KESHAVARZ: Can you read that
 20 from your own reading? Are you able to
 21 read that?
 22 A. This "Lincoln Square Legal
 23 Service," yeah.
 24 Q. Thank you for reading that into
 25 the record. Thank you.

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1 J. GUZMAN
 2 the judge, again, to speak to him.
 3 And when I had the appointment
 4 with the judge and it was a lawyer, a lady
 5 lawyer, from these people here, and they
 6 treated me like garbage.
 7 They got there two hours after
 8 they were supposed to get there. She ignored
 9 me in front of everybody, and she made fun of
 10 me because I couldn't speak English with the
 11 judge. And then she tried to talk to me in a
 12 room by myself to force me to sign a document
 13 not knowing what it contained.
 14 And that all this just added to,
 15 you know, all the problems I was having and
 16 my mental state.
 17 MR. KESHAVARZ: Wait a minute.
 18 Who? Who?
 19 THE WITNESS: A lady lawyer from
 20 there when I had the date.
 21 MR. KESHAVARZ: "There," you're
 22 pointing to LR Credit?
 23 THE WITNESS: I don't know.
 24 MR. LICHTMAN: Objection. This
 25 is -- you can't testify.

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MR. KESHAVARZ: Go ahead to the next question.

A. I don't know.

Q. Did you have a lawyer with you when you went to the judge?

A. That day, no.

Q. Did you go back to the judge another day?

A. Yes.

Q. That other day, did you have a lawyer representing you in front of the judge?

A. No. I went alone.

Q. And what happened that second time you were in front of the judge?

A. I don't remember well what happened on that second time. I felt a little relief, because then I realized that was not me. It wasn't meant for me.

Q. This says on the first page -- I just want to read, then, looking at Page 9 -- I mean, Exhibit 9, it says, "Court Date, October 15, 2015."

Do you see that?

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A. Yes.

Q. Okay. Does that help you remember whether you were in court on October 15th, 2015 regarding this issue?

MR. KESHAVARZ: Objection. Form.

A. It helps me remember, but I really can't say that it's the same day. I don't remember.

Q. When you came -- at the end of the court appearance for the second court appearance, do you remember if there were documents signed that got rid of your lawsuit?

A. I don't remember.

Q. Do you understand, sir -- do you have any understanding as to whether the lawsuit that was brought against you still is an open judgment against you?

MR. KESHAVARZ: Objection.

Objection. Form.

MR. LICHTMAN: Let me withdraw the question.

Q. Do you understand, sir, that the law -- that the judgment that was entered

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against you has been vacated?

MR. KESHAVARZ: Objection. Form.

A. I don't understand.

Q. As a result of going to court and having lawyers help you, did the judgment that was entered against you get set aside?

A. What do you mean, they put it aside?

Q. That the judgment no longer was affective against you.

A. So what you're saying -- they eliminated it?

Q. Yes.

A. Okay.

Q. Is that your understanding about what happened to the judgment?

A. That's what I understand, because they didn't find any proof that I owed that money.

Q. So you understand that as a result of going to court and having a lawyer represent you that the judgment was eliminated, right?

MR. KESHAVARZ: Objection. Form.

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A. Yes, I understand. But, you know, I don't remember. I don't remember well.

Q. When was the first time that you met with Mr. Keshavarz?

MR. KESHAVARZ: All he's asking for is a date.

A. Yes, I understand. But I don't remember.

Q. Approximately when.

A. I can't say approximately, because I don't remember.

Q. Did you meet Mr. Keshavarz at the time you were going to the Court in the Bronx to deal with the judgment that was entered against you?

A. No.

Q. It was after that?

A. Yeah. It was after that myself and my wife started looking and we saw the name.

Q. And why were you looking?

A. Yeah. So I wanted for the accusers to know that they did something very wrong, that it wasn't right, and that they

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1 did this to a working person who, you know,
2 never did anything wrong.

3 Q. When you were collecting -- let me
4 ask you this: Let's go back to Exhibit 10.

5 So this reflects different
6 transactions in a Citibank savings account
7 and checking account; is that right?

8 A. Yes.

9 Q. Did you -- the first account says
10 "Statement Period" on the first page.

11 "November 8" is the beginning of
12 that period.

13 Do you see that?

14 A. Yes.

15 Q. Is that when you opened the
16 account, November 8, 2016?

17 A. I don't remember. I don't
18 remember when it was.

19 Q. Was it about that time
20 approximately, late last year?

21 MR. KESHAVARZ: Objection. Form.

22 A. Maybe. I don't know.

23 Q. Now, at that time, you already had
24 an account at Chase, also, right?
25

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1 A. Yes, yes.

2 Q. Is there a reason you didn't
3 deposit the money that you used to start this
4 account in Chase?

5 A. No reason. Yeah, because the City
6 Bank was more convenient for me, and that's
7 where I went.

8 Q. So their branch is where?

9 A. In Franklin Square, Valley Stream.
10 It's near my home.

11 Q. Since you opened the account have
12 you made any deposits into this account,
13 other than the initial deposit that you made?

14 MR. KESHAVARZ: It's a yes or no
15 question.

16 A. No.

17 Q. How many times have you visited
18 the branch that you opened the account in
19 since you opened it up?

20 A. Citibank? About three times.

21 Q. Now, when you collected the
22 documents that were your bank account
23 statements, did you collect documents more
24 than one time, or only one time?
25

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1 MR. KESHAVARZ: Objection. Form.
2 Asked and answered.

3 A. I don't remember how I did it.

4 Q. Did you collect any bank account
5 documents in connection with this lawsuit in
6 the last month?

7 MR. KESHAVARZ: Objection. Asked
8 and answered.

9 A. No. That, I don't remember.

10 Q. Let me be clear here.

11 When you said "no," does that mean
12 you did not collect documents in the last
13 month that were branch records?

14 A. I don't remember. I don't
15 remember. I'm still very stressed. This is
16 very stressing. I don't know what's going to
17 happen with my life from here forward. I
18 don't know, you know, where this is going to
19 go.

20 Q. Why are you stressed?

21 MR. KESHAVARZ: Objection to the
22 form of the question.

23 A. I'm very stressed since the letter
24 came to my employer in 2015. It's been
25

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1 around two years already. My frustration and
2 everything that's going on in my head
3 continues to today. I can't sleep at night.
4 I had to stay in the living room watching TV.

5 My wife has to come out at 3 in
6 the morning to shut off the TV, and I have to
7 work the next day. I'm very tense. And all
8 this, you know, makes me very frustrated and
9 very tense until this day, today.

10 Q. Have you seen any healthcare
11 professional in connection with your tension
12 that you've described?

13 A. Yeah. Thank God, it hasn't
14 happened because I've been holding out.

15 Q. Have you been involved with any
16 other lawsuits, other than -- strike that.

17 Have you been a defendant in any
18 lawsuit, other than the one that was the
19 underlying judgment here?

20 A. What do you mean by "defendant"?

21 Q. Where someone was suing you.

22 A. No, never. Never. This is the
23 first time and history of my life. Only
24 because, you know, I don't know.
25

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Q. What did you do, sir, to prepare for your deposition today?

MR. KESHAVARZ: He's not asking about any conversations we had. The particulars other than that, you can answer. But other than that, you can answer.

A. Of course, I had to ask permission on my job. I lost today's work, and already my boss said he's not going to pay me because it's not the first time. And I don't know until when this is going to continue.

So that's my frustration. I don't know when this is going to end. All this is because somebody lied, and they lied to the judge and, you know, I never received that letter in my hands.

MR. LICHTMAN: Move to strike the nonresponsive portion of the testimony.

MR. KESHAVARZ: What did you say?

MR. LICHTMAN: I moved to strike the nonresponsive portion of that response.

MR. KESHAVARZ: Mr. Guzman, it's

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like when I say "Objection, form." There is a legal reason for it. You don't have to worry about that.

A. Okay.

Q. You're currently a manager at your job; is that right?

A. Thank goodness that I still am. I think so. I think I'm going to lose it.

Q. What are your responsibilities in that job?

A. Everything, all the responsibilities of the supermarket. Manage the workers, manage the hours, make the orders for the store, and be on top of everything because things can go wrong. If things go wrong, I pay.

Q. So have things -- are you responsible for hiring and firing?

A. I have the responsibility that if they are not doing their job, I suspend them or I give them a notice.

Q. How many -- continue if you want.

A. So this is my problem; that my boss could see that I'm very worried, and

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that I'm not concentrating on what I have to do. I have to take off from work, and there are days where I'm always falling asleep, because I don't sleep at night. I have to drive to Valley Stream. I have to go to the Cross Island Parkway to get to the Bronx every day.

And when it's late -- you know, I have the key for the store, and sometimes when I get there in the morning there could be ten employees waiting for me.

All this joins itself to all the tension that I have in my life, and that's the reason I want to know how long is this going to continue. That's why this lie that somebody fabricated to do bad towards me, and to do it -- you know, to do this to me.

Q. What type of things could go wrong at work that you were referring to before?

A. I just finished telling you things that could go wrong because I'm not there doing what I need to do, and there are workers there who tell me, you know, "What's wrong with you? What's the matter with you?"

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You're not like that. I know you from before. You're not like that."

And there will come the moment where my boss would look at me and say, "Go home."

Q. Who is your boss?

A. You want to know the name?

Q. Yes.

A. His name is Alejandro Collado.

Q. How long has he been your boss?

A. For many years. I commented before that I tried to leave in 2013 to try new things, and I couldn't concentrate. And then when I was very concentrated working in Siena Marble this happened, and then I went to work at various places like Sansone.

And thank God I called him once back, and he says that "I need you back. I need you to be manager."

And that's the reason I went back. But, you know, this is the problem, you know, I'm afraid I'm going to lose my job.

Q. The name of your boss is Alejandro Collado, C-O-L-L-A-D-O?

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A. Yes.

Q. He was your boss at other jobs, too?

A. In the same company. They have three stores.

Q. So he's known you in 2007?

A. He knows me for many years from 2007 until now.

Q. Have you filed your income tax return that relates to the 2016 year?

A. If I filled out the taxes for 2016?

Q. Yes.

A. Yes.

Q. They have already been filed with the government, right?

A. I never had a problem with that. I never had a problem. Of course, I'm okay with the government. Or do you know something that I don't know?

Q. I think I was asking a more simple question.

The question was: Did you file your income taxes for 2016?

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A. Yes.

Q. Did you use an accountant to help you prepare your taxes?

A. Yes, sir.

MR. LICHTMAN: So I want to mark a document that's excerpted from the document production as Exhibit 15.

(Whereupon, the aforementioned 2016 Tax Excerpt was marked as Defendants' Exhibit 15 for identification as of this date by the Reporter.)

Q. This is your only copy, but feel free to look at it and to show it to your counsel.

Now, it states that your taxable income for 2016, which is Line 43 on Form 1040, equals \$46,333.

Do you see that?

MR. KESHAVARZ: That's actually -- it says "Line 34, Taxable Income, subtract Line 42 from Line 41. If Line 42 is more than line 41 enter," It says "\$46,333."

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MR. LICHTMAN: That's complete.

Q. Does the \$46,333 represent anything other than the wages you earned that year in 2016?

MR. KESHAVARZ: Objection to the form of the question.

You may answer, if you know.

A. I don't know.

Q. Approximately, how much did you earn in wages in 2016?

A. I can't answer that question because in reality I don't know.

Q. What was your salary in 2016 at your full-time job?

A. \$900 weekly.

Q. Were you employed for the full year in 2016?

A. No. It couldn't be complete. Yes. I think I worked because, you know, one job joined with the other, so yeah. It's not the same address.

Q. Right. But you were working full time for the entire year of 2016; is that correct, at one place or another?

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A. Yeah. I can't answer that because, you know, it might have been a moment where I didn't work, or I only worked part time.

Q. But when you did work in 2016, your wages were \$900 a week; is that right?

MR. KESHAVARZ: Objection. Form.

A. Nine hundred dollars, but not for the whole year.

MR. LICHTMAN: Let's just take a short break, and we'll see where we're at.

(Recess taken.)

MR. LICHTMAN: No further questions at this time.

MR. KESHAVARZ: Mr. Guzman, let me just go over a couple things.

THE WITNESS: Okay.

EXAMINATION BY
MR. KESHAVARZ:

Q. Do you remember when you testified earlier about being in court and feeling like you're being treated like a garbageman, and a lawyer being in a room with you trying to

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2 trick you into signing something, do you
3 remember that testimony earlier?
4 MR. LICHTMAN: Objection.
5 Objection.
6 MR. GROSSMAN: Objection to form.
7 A. Yeah, I felt very bad.
8 MR. LICHTMAN: Objection.
9 A. Because I didn't know how to speak
10 English, and they had to put an interpreter
11 to help me. I didn't have a lawyer with me.
12 She was -- you know, she really played it
13 real ugly with me. They really needed to put
14 a -- there was a -- she was treating a
15 professional, and she was not treating a
16 delinquent.
17 Yeah, she has to know that we're
18 not all delinquents, that we are workers,
19 also.
20 Q. When you said that someone treated
21 someone like a professional, who did you
22 mean? I think something got lost there.
23 MR. GROSSMAN: Objection to form.
24 MR. LICHTMAN: Objection.
25 A. Yeah, you have to treat people

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2 A. I only know that their names
3 appear there. Yeah, when I see the names, I
4 remember them.
5 Q. So earlier when you were
6 identifying what Exhibits 2 and 12 are, you
7 were identifying based on the names at the
8 top of the papers; is that what you mean?
9 MR. GROSSMAN: Objection to form.
10 A. Yes, what I know is the names.
11 Q. Okay. Which names did you
12 remember?
13 A. Amir Harris, LR Credit 13, Mel
14 Harris. Those three.
15 Q. Now, because those names are on
16 the top of Exhibits 12 and 2 with what we
17 call "caption," because those names are
18 there, what lawsuit, if any, does that make
19 you think that Exhibits 2 and 12 deal with?
20 MR. GROSSMAN: Objection to form?
21 A. Supposedly those are the ones
22 where I owed the money to, and these are the
23 ones who took the debt. These are the people
24 who supposedly had told the lie that said
25 they affirmed to the judge that I had gotten

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2 like human beings, not like garbage.
3 Q. And that's how you felt you were
4 treated?
5 A. Yes.
6 Q. You felt like you were treated
7 like that by who?
8 A. The lawyer who was representing
9 the ones who were charging.
10 Q. The lawyer who was representing
11 who again? I'm sorry. I didn't understand.
12 A. The people who were collecting the
13 debt.
14 Q. The lawyer for LR Credit; is that
15 your understanding?
16 MR. GROSSMAN: Objection to form.
17 A. Yes.
18 MR. KESHAVARZ: Okay. So that's
19 one thing.
20 Q. And let me just point your
21 attention to Exhibits 2 and 12.
22 Okay. Now, do you know what
23 lawsuit, if anything, this deals with, these
24 two papers, or do you know?
25 MR. GROSSMAN: Objection to form.

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2 that letter in my hands, and these are the
3 people who, you know, did a very wrong, wrong
4 to me, the third person, and these are the
5 ones that did the most wrong towards me.
6 Q. Now, so because the names of these
7 people are on top of Exhibits 2 and 12, do
8 you know one way or the other if this is --
9 these pages are dealing with their lawsuit
10 against you, your lawsuit against them, or do
11 you know?
12 MR. GROSSMAN: Objection to form.
13 MR. LICHTMAN: Objection.
14 A. All I know is that I remember
15 those names, and those are the names that I
16 remember and, you know, the names keep
17 following me.
18 Q. Now, we talked earlier about your
19 language.
20 What ability do you have to read
21 English?
22 A. Really, I can't read. I don't
23 know how to read English. I would always
24 focus to work in this country. I was always
25 working.

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Q. So despite that you at least recognize the names "Mel Harris," "LR Credit" at the top of Exhibits 2 and 12, right?

A. Of course, of course.

Q. Because those are the people who have been following you around, you think?

MR. GROSSMAN: Objection to form.

MR. LICHTMAN: Objection.

A. Especially the one who lied, because if they don't lie and tell the truth I would have had the opportunity to defend myself on that date, and I would have done what the judge told me to do, but I couldn't defend myself on that day. That's what hurt me. That's why has my mind crazy. I didn't care if they were looking for me wherever I was, but don't lie.

Q. Other than the names on the top of Exhibits 2 and 12, are you able to read anything else or understand anything else about Exhibits 2 or 12?

MR. GROSSMAN: Objection to form.

A. No, because it's in English, I don't understand.

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MR. GROSSMAN: Can the record show that the witness didn't open either of the documents or look through any of the pages.

BY MR. KESHAVARZ:

Q. Do you want to flip through -- just flip through the pages, and see if you can read anything on Exhibits 2 or 12.

MR. KESHAVARZ: No, never mind. I withdraw that. Never mind. All right.

A. I can't. I don't understand it. I don't know.

BY MR. KESHAVARZ:

Q. Any of the pages, other than the top where the names are, right?

A. The names, yes.

MR. KESHAVARZ: All right. That's all the questions I have now.

A. I think for the rest of my life I will have to -- I believe that's what's going to happen. That's the frustration I have. I'm going to be remembering these names for the rest of my life.

MR. LICHTMAN: Anything further,

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counsel?

MR. KESHAVARZ: No. Pass the witness.

MR. GROSSMAN: Nothing.

MR. KESHAVARZ: All right. You're free to go.

Off the record.

(Whereupon, at 7:22 p.m., the Examination of this Witness was concluded.)

JOSE GUZMAN

Subscribed and sworn to before me this ____ day of _____, 2017.

NOTARY PUBLIC

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CERTIFICATION
STATE OF NEW YORK)
: SS.:
COUNTY OF KINGS)

I, GILBERT J. BOWLES, a Notary Public
for and within the State of New York, do
hereby certify:

That the witness whose examination is
hereinbefore set forth was duly sworn and
that such examination is a true record of the
testimony given by that witness.

I further certify that I am not related
to any of the parties to this action by blood
or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set
my hand the 19th day of June, 2017.

GILBERT J. BOWLES

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*** ERRATA SHEET ***

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and ASSOCIATES, LLC
DATE OF DEPOSITION: 6/14/17
DEPONENT: Jose Guzman

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Jose Guzman

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